

HERE COME THE HEROES

By JAMES STEWART

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Here Come the Heroes by James Stewart

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This book is a work of non-fiction. The names have not been changed to protect the guilty, no characters were invented, and no events fabricated. Names, characters, businesses, places, events, locations, situations & certain incidents depicted in this book all took place in and around the city of Saskatoon, in the province of Saskatchewan, in the country of Canada, and are recreated to the best of my knowledge and memory.

Due to the nature of this book being based on personal memory and because all the audio file(s) and most of the video file(s) of the original incident **DISAPPEARED**, went **MISSING** or were **ERASED**, I have done my best to recreate the story to be as truthful, fair and above all, open-minded as I could.

I have tried to recreate those events, conversations, personal in-sights, and experiences from my own memory which best illustrate my story. Through speaking with various people and utilizing police/court documents, I will endeavor to provide a different side of the story that is both reasonable and realistic.

My opinions, thoughts, beliefs as well as my fundamental freedom of expression about those opinions, thoughts and beliefs contained herein, are mine and mine alone. They do not reflect the opinions, ideas, thoughts or beliefs of other persons described, mentioned, involved or alluded to in this story.

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**For Jake and Casper.
Best dogs ever.**

Acknowledgements and Thanks

I would like to thank the people who helped me turn this negative experience into something real and unforgettable. I absorbed your strength, good thoughts and positive frequencies. You gave me hope, courage and a strong desire to see this to the end. Thank you.

Big thanks go out to Craig, Dan, Ben, Max and Peter. Stand-up guys who still know what it means to stand up for yourself.

And a special, big court-supreme, thank you to my brother, Jarvis. I could not have done it without you, bro.

-/-

Obviously, some of the more significant players in this saga, in no particular order:

SPS Peace Officer Gordon James Keating #738
SPS Peace Officer Vincent Schaefer #555
SPS Peace Officer Bradley McAvoy #680
SPS Peace Officer Adam Boyce #705
SPS Peace Officer Ryan Hounsell #675
SPS Peace Officer Aaron Smith #737
Provincial Judge Albert Lavoie (criminal case management)
Crown Prosecutor Robin Ritter
Crown Prosecutor Bryce Pashovitz
Provincial Justice/Judge Barry Singer (criminal trial)
Robert Mitchell (Chair of the Public Complaint Commission)

These people, along with additional members of the Saskatoon Police Service, Saskatoon public prosecutions, city of Saskatoon solicitors, judges, the Public Complaint Commission and the willing army of unthinking and unquestioning, useful idiots who “just did their job”, all helped make my book a reality. Their ‘un-Canadian’ attitudes, horrendous manners and holier-than-thou behaviours certainly fueled my motivation to complete this book.

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Preface

The writing of this book was an adventure. I don't think I will ever finish it. I think I will always find ways to massage it. Refine it with subtle or not-so-subtle changes. I have no qualms about letting people read my book, for free. I think my website, *justcallmestew.com*, is a perfect place for my book to live and allow me to share the story of my journey.

First things first, if people had merely done their jobs and played by the already-in-place-rules, and taken some responsibility for their actions, I would not have a story. Period. As simple as it sounds, there would be nothing exceptional or noteworthy for me to write about. If members of the Saskatoon Police Service had merely done THEIR jobs, I would not have had to endure and suffer the pain/punishment I did.

No one gave me any warning as to the corruption of our legal courts and officials, either. The judges and lawyers, delighting in their '*sleight-of-hand*' shenanigans, all taking place behind closed doors, with very little record. When I look back, it's hard not to laugh. This was good, old-fashioned, **Hollywood Movie** dishonesty and deceitfulness taking place.

Finally, if the news reporters, the so-called investigative journalists, or editors of the various news & media channels, (and THEIR bosses) had done THEIR jobs- like telling the public how the police and courts were misbehaving, I never would have written this book. Alas, these court officials were not concerned about bending a few rules and the news reporters were unconcerned about shedding any light on the subject or doing the slightest bit of research or any heavy lifting. Thus, my entire story has specifically been ignored by the System and its selected gatekeepers- the *editors* of the various news outlets from the Mainstream Media (MSM).

Some days I was so frustrated. I was nowhere near ready to write a book. How could I even begin to explain the drama that unfolded, so innocently enough, in that parking lot? I am referring specifically to the event itself. The *incident* in the parking lot that summer evening back in August 2012. Those innocuous chain-of-events during a random Saskatoon Cruise weekend that would eventually spiral into the colossal cover-up it has become to this day.

Where should I start?

As of August 24, 2023, it will be 11 years since that innocent-enough event in the parking lot, in the middle of Saskatoon, Saskatchewan, at the strip mall at the corner of Grosvenor and 8th St E. I simply refer to it as "*The Incident*". Writing a book about the events surrounding *The Incident* was not an easy task. It turned out to be much harder than I anticipated.

Completing this book has provided its share of challenges. Trust me, this wasn't a crusade. I did not set out to document all those years attending numerous court sessions and making appearances or filing various legal forms just so I could somehow write a book about my

experience with the ‘*System*’. I’m not a journalist. I never took a journalist course and wrote a journalist test to see if I qualified to be a certified journalist or investigative reporter.

Why should I have to write about this? Isn’t that what reporters and journalists and the news-media people are supposed to do? Are they not the ones responsible for putting my story about my experience with the law into the public’s eye? The question then became, how was I going to illustrate this crazy, bizarre, extraordinary series of events?

Even my own parents didn’t seem to believe me. They could not believe that police officials, and others, could make all the dashboard camera audio AND most of the video footage from the multiple police cars, disappear. **Here Come the Heroes**, will explore the events leading up to the *Incident* and give the reader an introduction to *The System* and includes actual criminal courtroom transcripts (with some edited commentary from me).

I start at the beginning, before that fateful night back on August 24, 2012, and cover all the ensuing frustration, anxiety, knowledge-gathering, and soul-searching I went through. A dilemma I faced was how strongly or severely worded or serious (severious?) I should make this book.

Words after all, are very important. Words can form a sword. But I finally stopped worrying about other people and their opinions. I wrote this book for me. Cathartic is a word that comes to mind.

For what it’s worth, maybe my book will help someone lift the veil and see for themselves what is going on around them. It is nearly impossible to motivate unhearing and uncaring people.

It is my hope that those who read my book will have a few laughs and learn something. Maybe people can use my book as a small step towards being aware of their rights, and just how important they are, for ALL of us.

Besides, what’s the worst that could happen?

It’s just a book.

“He who is not angry when there is just cause for anger is immoral. Why? Because anger looks to the good of justice and if you can live amid injustice without anger, you are immoral as well as unjust.”

- **St. Thomas Aquinas**

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Introduction

The story you are about to read relates to my serious but fraudulent charges, along with the subsequent criminal trial and sentencing, which took place at Saskatoon Provincial court during April and May 2013. I hope you read it with an open mind.

What began as merely seeking the potential evidence to defend myself against three bogus criminal charges became years of slogging, grinding, gruelling emotion, hard work and plenty of frustration. I made notes when I could and did my best to fill out the proper forms and write-up my various ‘applications’ to the courts. I did not hire a lawyer.

Let me be clear, I’m not asking you to believe *my* story or believe the police and *their* story. I never envisioned writing a book about police brutality, corrupt courts, or conspiracies related to the System and how it operates in Canada. It is not my intention to convince you of anything. This book is not meant to be an opinion-editorial piece, but rather a story in unaccountability. This is about me and my personal experiences. Allow me to tell-a-vision, albeit from a different perspective than the usual Hollywood crime dramas.

Who knew that standing up for ones’ human rights, and inevitably, the rights of others, could be made so unreasonably difficult? Not to mention emotionally draining but physically and mentally painful. I would never wish this kind of stress or aggravation on anyone. Who knew the System we support has been ‘transformed’ into this unaccountable, over-reaching and abusive beast?

It was through the courts- our supposed ‘*open & transparent courts*’ that I realized, first-hand, what the *System* was. What had become of right and wrong? Could justice and truth be commoditized? Did my Canadian rights and freedoms exist merely to be manipulated or massaged into something else entirely? Did I have any rights at all? I decided to explore how the *SYSTEM* is a very elaborate, yet completely fallible invention.

Think of The System as more than just the government. Think beyond those people like the law makers and law enforcers. Politicians are merely bad actors and puppets. Look closely at those people in the pharmaceutical, religious, financial, technological and military hierarchical structures who allegedly protect us and keep us safe. Who are they? The same ones benefiting from big banking, big-tech, big pharma, and big-media co-operation. The same ones furthering their own agendas and profits at our expense.

While reading my book, you may find yourself shaking your head in dis-belief. I, myself, never would have believed it. Any of it!... had it not happened to me. You could say I was a changed man after this experience. It was a complete reversal of my instilled conservative upbringing. An unravelling of my strong morals, basic family values and ingrained concepts of ethics like, *treat others how you wish to be treated, helping those in need and always tell the truth.*

In some ways, to this very day, I still don't believe it. I wish I could unbelieve it. When you finish this book, you may be obliged to put some of your own personal perspectives, your beliefs on hold. You, too, may find yourself feeling astonished or surprised at the sleight of hand and unaccountability occurring all around us- no longer in the shadows, but right in our faces.

Chapter 1 – Land of Living SKies

In August 2006 my brother, Jarvis, decided to get away from the big city problems of Vancouver, British Columbia, Canada. The high rent costs, crime, traffic congestion and increasing homelessness gave him the opinion that real estate was overpriced on the west coast and underpriced out on the prairies. He made that decision a reality by flying to Regina, the capital of Saskatchewan. Soon after, in January 2007, he purchased a small, vacant house in a little town near Saskatoon.

Through good and bad circumstances, in June 2008, I joined him. Originally, it was not my intention to stick around Saskatchewan. However, I decided to make the most of it and attempted to give him a hand fixing-up his house. I figured I would stay for at least a year or two; tackling a renovation on this *little-house-on-the-prairie* would be a daunting task for anyone alone, even for my brother.

Soon, we were living the dream and dreaming to live bigger yet. We met great people who introduced us to *prairie* life- wide open spaces, farming, hunting and fishing. Ironically, we were not complete strangers to this land. Our great grandparents, from mother's side, had settled from Scotland in the small town of Saltcoats, near the city of Yorkton, Saskatchewan. With this new chapter, life seemed good for the Stewart brothers.

It soon became apparent, however, that in order to live this country life of ours to the fullest, it would require the addition of a dog. Man's best friend. Not long after my arrival, we made the

trip to the town of Clavet, just east of Saskatoon, to pick up a seven-week old black and white puppy that was a bundle of joy. His father, Otis, was the biggest, gnarliest-looking chocolate lab you have ever seen. Conversely, his mother was a beautiful young Border Collie-Akita cross. We named him Casper (the friendly dog) and he was truly the best puppy you could possibly ask for.

The following year, just before Christmas arrived in 2009, we travelled west, to the town of Vanscoy, to find a brother for Casper. We added Jake to the family. His father was a working border collie. Out of Jake's 13 siblings, he was the only pup identical in colour to his mother. She was pure yellow lab, with a pink rubber nose and white shoulder patches. I call him my pure-bred mutt. Jake wasn't even six weeks old when we got him home. He was beyond all expectations- a beautiful, blonde bundle of joy.

Prairie life was different, but very fulfilling. I enjoyed this "*Land of Living Skies*" with its countless reservoirs and cold lakes, rolling fields far-and-wide, all under big, bright, blue skies. But the winters were an entirely different story altogether. You cannot really appreciate a Canadian winter until you have lived through one (or two) in Saskatchewan.

Prior to my move to the prairies, I had spent time living across Canada, from Summerside, PEI and Victoria, British Columbia, along with a few places in-between. After high-school I attempted to prove my baseball prowess to my father and attended college in the United States. After a few fruitless years of failing to achieve the standards of high velocity, among other things, I shelved the dream about becoming a major league pitcher and reluctantly returned home.

In late 1999, I achieved my commerce degree in entrepreneurial management at newly designed Royal Roads University. After renting cars for a company called Enterprise, I began my post-university career as a financial advisor. Which really meant I tried to sell mutual funds and life-insurance. Soon after obtaining the proper credentials to sell these financial instruments, I acquired a few more banking and insurance certificates and ultimately, my Canadian Securities Certificate from the Canadian Securities Institute. It was touted as an industry standard.

I was hired by a financial planning firm with an office on West Georgia Street, in downtown Vancouver. I was given a cubicle, a telephone and a laptop with programs for financial products and a scheduler/appointment program that doubled as client relationship management software. The first few days settling into my new job felt a little overwhelming, to say the least. However, those feelings soon paled in comparison, to what was unfolding as I walked into the lobby and towards the elevators the morning of September 11, 2001.

Chapter 2 – Follow the Money

As a Canadian, I can honestly say the alleged terrorist attacks on America and the events of September 11, 2001, were a watershed moment for me. Like many at the time, I did not appreciate the scope and sheer depth of the sleight-of-hand taking place. Already somewhat skeptical of the mainstream media (MSM), especially anything projected from the television (Tell-A-Vision), it took me years to wrap my head around the avalanche of distractions, fabrications and outright lies relating to that fateful incident.

With my fledgling career involving money, banking, and insurance, I paid even closer attention to the talking heads of the lamestream news. It was on ALL the stations. Non-stop. Even the Canadian news was awash in 9/11 hysteria. But a few things stood out for me. Specifically, a narrative appeared, referencing the funding of *Terrorists*. How governments could act in preventing future terrorist attacks by preventing terrorists from doing their banking and limiting cash withdrawals and deposits. You know, when they need some tanks or missiles or RPGs, and they want to pay with cash.

The restrictive government legislation in America was quickly introduced to the banks of the Western nations and Canada would not be far behind in adopting these new regulations. The official government reason/excuse amounted to, "...Combating the financing of *terrorism*..." Which was a direct result of The United States Patriot Act, enacted in late October, mere weeks after the *terrorist* attack.

I remember getting introduced to *Know-Your-Client* forms. At work, it was mostly young, mid-to-late twenties guys from various walks of life who were trying to gather clients and assets. We were all fascinated by the markets, smug in our own thoughts and theories about making money, playing the exchanges and how to retire early with a big house and a nice car.

We were all financial advisors. Money and capital (which was money, too. Just lots of it...) and the stock exchanges- Wall St. and, in Canada, Bay St. were always in our daily mindset. We each had a cubicle and

laptop that we paid for out of our commissions from the sales of various products along with accumulating clients' retirement portfolios. What can be called, Assets Under Management.

It was up to you to try and grow your book of business. We took it seriously, obviously, but we all found time to chat with one another about sales techniques, new financial products, types of clients and which bars and clubs had the hottest waitresses, among other things. But, just as importantly, these guys were also open-minded and hungry for new information.

They did their own research on the hottest new tech stocks, emerging markets or mutual fund managers. They looked for the edge that would differentiate themselves from the herd of financial advisors that get chewed up and spit out everyday. Rumors were swirling about trillions of dollars missing from the Pentagon, insider trading and different airline stocks being shorted in the days leading up to 9/11. There was a few of us that felt things were amiss. All stock trades and options have a record. Like a receipt or a transaction. It was in those months and years afterward, that I began to learn to trust my own instincts over the unpalatable news stories and various corporate media scripts.

The news and media companies posted the government's theories, and most did not make sense. *Cui Bono? Who benefits?* I slowly started coming to my own conclusions. I began to trust my guts and my intuition that I would never hear anything close to the real story from the mainstream media (MSM).

The System wanted me to observe things one way. I cannot be any more succinct. The 'System' needs you to view things a certain way. It's way. By expanding my thoughts and questions past 9-11 and into other areas, I began to realize how The System was using the news & media companies to purposefully position these distorted perspectives and divisive narratives for its own benefit and survival.

The System and its players, acting as well-oiled parts, wanted me to become distracted by their well-designed, one-sided arguments (e.g.: think the Hegelian dialect). Hoping I would be confused by their juvenile, myopic views & fictionalized, narrow perspectives. I had to trust that the deceivers and *decepticons* would not want me to 'see' on my own, but instead, gaze at a fictional landscape through their perverted and distorted lens. The ubiquitous 'Tell-A-Vision'.

Now, here I was, nearly ten years since the infamous "9-11" and reading whatever I could get my hands on. Engaging my own research, trying to 'unthink' the massive group-think operation and *non-sensical facts* and misinformation the news & media corporations constantly poured into the hearts and minds of the public. I began to have doubts. I could not shake the feeling of being deceived about the basis for my chosen occupation.

Even after achieving my Bachelor of Commerce degree, and starting a career selling investments and insurance products, I quickly realised I didn't know ANYTHING about money. I didn't know what money was. I did not grasp the concept of money- the fundamental theory of money. So, what is money? Or more importantly, who creates it? Where does it come from?

It turns out, money and currency, (a.k.a. legal tender), are two entirely different things. These concepts were never openly discussed during my time in business school. Instead, I was taught about capital gains taxes, balance sheets, compound interest, inflation, deflation and two things called **monetary policy** and **fiscal policy**. Never anything about where the various governments of the world receive their nations' money from, and how they pay for it.

In the many years after 9-11, the only thing I knew for sure was I had far more questions than answers. I had questions about money, the economy/economics, flow of capital, the world's various stock markets, globalism, world trade and international commerce and of course, how they all related to the System. I had questions about everything, including commercial banks, The Federal Reserve, the World Bank, the Bank of International Settlements and even the Bank of Canada.

Nagging me was my biggest question about money- *where* does it come from? Oh, sure, I knew I needed money to pay the bills. I needed money to live. I needed money to participate in the System. But where, or more appropriately from whom, did that money come from? There is a saying- "*Money makes the world go 'round'*". Another common phrase in the business world, purports "*Time is money*". What is left unsaid, however, is the 'money' that the private bankers print and give to their special friends, is really fiat-currency. Ultimately, what the System refuses to acknowledge, is the potential for certain (sinister) parties within our society to simply print more money, out of thin air, with which to buy all the **time & justice**, among other things, they would ever possibly need.

You see, modern day, western banking, fiat-currency or legal tender notes are simply created 'out-of-thin air'. In actuality, not to get a bit technical, but the currency of a nation, under most current central banking structures is a product of your bond at birth. Yes, they monetize your life after the doctor cuts your umbilical cord. Also, currency is created from your signature when you take out a loan at the bank or via a credit card. Via the use of your signature, specially appointed commercial banks can re-write your loan into amounts much larger and use a sneaky little sleight-of hand-practice called FRACTIONAL RESERVE BANKING.

With fractional reserve banking, these artificially created, (huge dollar amount) loans are then stored as an asset on a bank's balance sheet. Then that 'money' is loaned-out to people like you and me, via the same fractional reserve banking practices, for quantities far exceeding the original value of the loan. Not only that, but the legal tender they do lend, is typically digitized and "loaned-out" at ridiculous interest rates. Unbeknownst to most people, usury or interest from money results in a phenomenon where there is not enough physical currency (bills and coins) to provide a reflection of the banks' actual deposit amounts. This is key to understanding the concept of real money (i.e. gold & silver).

This is all provided by private commercial banks courtesy of the western private central banks, namely The Federal Reserve. We the people, are not the owners of these banks. We the people, have been sold out by our past government-puppets and we are now beholden to these private, money-printing, financial/banking companies for the money they print at our expense.

The *crazy conspiracy* about controlling the money, namely its creation and distribution, and the reality that a sinister plan... could exist... to manipulate the entire world.... via a centralized system of credit... began to grow on me.

Maybe I was missing something? I had a commerce degree, yet everything I was taught about the economy in business school seemed much removed from the real-world. The glow of Wall St. and stock markets lost their lustre. It was as though a dark cloud of depressing conclusions, had arrived. A real sense of foreboding gripped me. Global banking was conducted by central banks. Central banks were private corporations accountable only to their owners. We were living in an altered state of reality.

Years earlier, during my time at Royal Roads University, near Victoria, BC, a classmate mentioned his opinion on the stock market and Wall Street itself, comparing it to the city of Las Vegas ‘without-the-lights’. At the time I laughed and thought it humorous. Upon reflection, I have come to believe it’s worse. The way I see it, at least Las Vegas has regulated minimum payouts on their machines! These Banksters manipulating the London and New York exchanges, have no such limits to their greed and corruption.

After 2008, there was the collapse of Lehman Brothers, the takeover of Washington Mutual and who could forget the *Too-Big-To-Fail* fiasco? By 2010, after witnessing the fallout from the real estate markets in the U.S. and the government bailouts to the automobile, banking and insurance corporations, I began to study the foundations of socialism, capitalism, and the arguments relating to free markets vs. regulation and state intervention. How could anyone call this capitalism? Free markets!? The game is rigged! Slowly, I was awakening to this new reality.

Personal experiences began to conflict with basic laws and jurisprudence. I was supposed to be helping people save for their future. I was supposed to help them attain a level of financial independence so their lives would be easier. Except now, all I could see was the *FIRE*: Finance, Insurance and Real Estate. It was paper on top of paper on top of paper, all magically conjured out of thin air. I was experiencing great swells of emotions and periods of self-doubt and uncertainty. It was as if my original beliefs, morals and even aspirations for a successful career and financial security were crumbling to pieces.

Years later I happened upon another article. It explains things much better than I could. I think this excerpt is important to my story.

Who Really Controls the World? by DR. MUJAHID KAMRAN

From: New Dawn Special Issue 18 (December 2011)

<https://www.newdawnmagazine.com/articles/who-really-controls-the-world>

“The advent of the industrial revolution, the invention of a banking system based on usury, and scientific and technological advancements during the past three centuries have had three major consequences. These have made the incredible concentration of wealth in a few hands possible, have led to the construction of increasingly deadly weapons culminating in weapons of mass destruction, and have made it possible to mould(sic) the minds of vast populations by application of scientific techniques through the media and control of the educational system.

The wealthiest families on planet earth call the shots in every major upheaval that they cause. Their sphere of activity extends over the entire globe, and even beyond, their ambition and greed for wealth and power knows no bounds, and for them, most of mankind is garbage – “human garbage.” It is also their target to depopulate the globe and maintain a much lower population compared to what we have now.

It was Baron Nathan Mayer de Rothschild (1840-1915) who once said: “I care not what puppet is placed on the throne of England to rule the British Empire on which the sun never sets. The man that controls Britain’s money supply controls the British Empire, and I control

the British money supply.” What was true of the British Empire is equally true of the US Empire, controlled remotely by the London based Elite through the Federal Reserve System. Judged by its consequences, the Federal Reserve System is the greatest con job in human history.”

How could anyone argue we had ‘free markets’, yet needed MORE Government regulation? For me, it began to feel like government regulation of the banking/financial industry was really a secret plan, like insider codewords for ‘regulating’ who got *filthy-rich* and who stayed *dirt-poor*.

Which brings me to a question I have for my readers. Ask yourself and answer honestly:

Pretend you had a magic money-printing machine in your closet. When you turned it on, it printed 10,000 x \$100 bills, (\$1 million) before it shut down for 24hrs. But these closet-printed \$100 bills were identical in every way to the money being used in your country, which meant you could spend them or save them anyway you liked.

Would you tell someone you owned this magic money printing machine? Be honest...

I couldn’t shake certain feelings. Like the shine had worn off. It was paper on paper. I tried to learn about derivatives, credit default swaps and ETFs and all the other financial hocus-pocus. My head wasn’t in it. After more government bailouts and money-printing skullduggery continued, under the guise of more quantitative easing, aka QE2.0, I exited the financial services game altogether. Making money from money felt foreign to me. It seemed to me like smoke and mirrors. It felt ungenune. With much trepidation, I put my suits and business degree away and attempted to begin a new career.

I had been wrestling with the concept of career ever since university. I didn’t want a career. I wanted a skill. I wanted to work in what I thought was an honest field. You know, do something useful. Could I make the world a better place? In a way, it felt like stepping back in time. I decided to become a tradesman, specifically, a plumber.

Chapter 3 - Saskabush

South of the Canadian border, stock markets had faltered, but were slowly rebounding. The American real estate market had taken some big hits in 2008 and seemed to teeter on the brink of an implosion for many months. In the prairies- the price of land was up, commodities were up, including potash, oil and uranium, the price of beef was up and even hay/feed crops were up and along with them, everyone's spirits.

There was much about Saskatchewan to learn and get to know. By 2010, housing prices were seeing their largest increases in years and real estate values country-wide were bullish. Canada's real estate market would be enjoying the biggest price jump in decades. Steady price increases that would continue for years.

As 2010 rolled along, Saskatchewan was turning into the place to be. The big, flat province had a rich history of ranchers, farmers, food producers and a special sort of pride. (Go Riders!). This area is Canada's breadbasket; the grain-belt. Acres and acres of colourful fields with a multitude of crops, especially wheat. There was also barley, oats, mustard, lentils, peas and canola. Lots and lots of canola.

Saskatchewan is a very straight province, in many ways, including its provincial territorial borders. Saskatchewan is notoriously 'Conservative-Blue' to its core, much of it covered in sprawling flat lands and haystacks. Known for hot summers and even colder, arctic-like winters, Saskatchewan was still a very vibrant province with many unique and interesting people.

The area around the house was a mixture of rolling lands intersected by irrigation canals and huge farm fields dotted with patches of poplar trees, Manitoba maple and lodgepole pine. Small

reservoirs and man-made lakes teamed with perch, pike and the ever popular, tasty walleye. Or pickerel as the locals called them.

Sprawling hayfields surrounded woody areas of Swedish aspen and golden willow, chock full of grouse, rabbits, coyotes and porcupines. The hunting and fishing in Saskatchewan are world-class. Saskatchewan is renowned for its big-game trophy hunting, including giant whitetail and mule-deer. There are also elk, moose, pronghorn antelope and black bear. Saskatchewan even holds wild boars and, of courses ducks, geese and upland game birds. The prolific upland game birds can be grouse or partridge, but locals simply call them, *prairie-chickens*.

The history of Saskatchewan is as varied as the lakes and bogs that carpet large portions of the province. It is equally steeped in the stories of legendary explorers, fur traders, Indian tribes, surveyors, bureaucrats and government agents. I would be amiss in neglecting to mention the Hudson Bay Company.

Centre stage on the great plains were the mighty buffalo. Integral to the rise and fall of the fur trade. The buffalo also served the multitude of the Cree, Salteaux, Sioux, Blackfoot and other Native tribes. All who, along with the Metis, depended immensely on the animals.

Ambitious trappers, trailblazers, businessmen, explorers, politicians and dreamers found their way to the new frontier, the untamed Wild West. This expanse across the great plains of Saskatchewan, in the middle of Canada, is forever associated with hardy people, their hopes and dreams and a new life full of optimism and peace.

However, it was not all roses. From Canada's humble beginning, government forces, big business, bureaucrats and bankers spearheaded by companies like The Hudson Bay, all aspired to exert their ever-widening powers and influence on behalf of the System. The ominous encroachment of government intervention and bureaucratic interference pre- and post-1867 confederation, set in motion a series of events which would shape the very history of Canada and propel certain, unique characters into the headlines.

Courageous men like Gabriel Dumont, Louis Riel, Chief Big Bear and Chief Poundmaker. Or the parties acting on behalf of the System. Politicians like John A. MacDonald and associated Government agents like Thomas Quinn or General Frederick Middleton. Each of these men held within them a unique vision of what the future could hold inside the new Canadian Dominion.

The creation and subsequent deployment of the Northwest Mounted Police into what is known as the Northwest Rebellion and further aggression against the native population in the late 1800's was either a necessary government intervention or a crushing over-reaction to a peoples' quest for freedom, sovereignty, and self-determination. The System's singular focus was **control**. Human beings were simply another resource to be managed. Human rights were merely troublesome inconveniences.

Saskatchewan could be viewed as the epicentre of the Northwest Rebellion and the excuse for the creation of the Northwest Mounted Police. Which went on to become The Royal Canadian Mounted Police (RCMP). The reality of Canada's birth as a nation, via starving a population yet promising ploughshares is cloaked in this rather sinister past. The period around confederation is bound tightly to the prairies and the infamous Northwest Rebellion. The epic struggle of brave, freedom loving people like Gabriel Dumont, Louis Riel and Chief Big Bear were strongly opposed to those menacing powers, slowly yet steadily creeping across their lands. Indeed, one could argue, this is a struggle that has never truly ended.

The System desired to expand its influence and profits, regardless of the cost to human rights or dignity. Starvation, manipulation and misery were merely techniques to be used in the game of territorial conquest. The Rebellion and the fledgling government passing the ridiculous Indian Act of 1876, left a bloody mark on the province. It was an old tactic that still produced results—delay, demur and deny the rights of the people. Frustrate them for long enough until they inevitably relent from exhaustion and succumb to the despotic, unrelenting pressures. Should they revolt, crush them using any means necessary using any excuse necessary. All of it sold to the masses by a willing, controlled media machine. Indeed, very little has changed over 150 years.

Chapter 4- Ends Justify the Means

It is not my intention to discuss the finer details of Canadian history or opine about the consequences of those historical times. The roots of the RCMP and modern police, in general, were steeped in violence, subversion and domination. This is a period that cannot be unwritten and falls well outside the scope of my story. I am merely using the past as the context for present-day attitudes and sentiments.

From my time in Saskatoon, Swift Current and even Lloydminster, I observed how underlying stigmas within society- class/rank, violence/victim, and racism were more entrenched in this province than other places I previously lived. I became acutely aware of the political, social and economic environment of Saskatchewan. For me, it seemed the lessons of the past had not been learned. On the contrary, the farmers, bureaucrats, indigenous population, the general-public and of course, the police, were still very much at-odds with one another.

How could I not mention the **Saskatoon Starlight Tours**- including the notorious and sad story of Neil Stonechild? Though, he was not the only victim. There were sinister happenings in this province that went without remedy back then and will continue to plague these two sides. The System's condoning of these deceitful and devious ways easily culminated into an all-too common turn of events which resulted in my parking lot incident. This is how the System works. It allows for the empowerment of dark forces. It forms a narrative to obfuscate its involvement on BOTH sides. Saskatchewan was still the Wild West- full of Cowboys and Indians.

How does this reflect on us, as a society? How much more powers do the police need? From where I'm sitting, old ladies are now getting trampled by horses. Go back ten years, and all these things coincided with what happened to me. The arrogant and hostile behaviours were another part of the reason I wrote this book.

Some people (the normies) are only now realizing the subtle underlying conditions brought about by the educate/indoctrinate *scientific* System of ours. Little do most people realize just how rigged and out-of-balance the Game of Life truly is. This highlights another internalized conflict for me, namely, can I pretend to happily live in this fair and *democratic* (I don't like this word) society when it is clearly unfair and *undemocratic*?

Ironically, as a boy growing up, I thought police, or 'The Cops', were smart and generally good people. I remember them coming to see us in school sometimes. I'm sure some cops were bad, but growing up, for me- I was under the impression that policemen and women were serving a necessary role in our society. Namely, maintaining 'Law & Order'. I admired the police for being fair and responsible peacekeepers. I was convinced they had a stellar reputation, and all were of an excellent conscience. How did I know this? Adults told me so.

The genesis of the North-West Mounted Police laid the framework for the evolution of Canada's law enforcement. Sadly, the efforts of the System via the police, to enforce un-natural rules of law, directly opposed our God given human-rights and even our more modern Canadian Charter protected rights. Historically speaking, the paradigm of *oppressor* vs. the *oppressed*, has diligently remained.

Naïvely, I perceived the police as imperative to a successful, well-functioning, modern society in a 'Good vs Bad' or 'Right vs Wrong' kind of way. The police in my view, were essential to our safety and security. Acting as a societal glue akin to 'keeping-the-peace'.

As human beings, we are supposedly born with inherent *God-given* rights. Except, what good are those rights if you cannot physically exercise them? Which is like saying, what is the point of owning a sports car, like a Ferrari, if you aren't allowed to take it out of your garage? My opinion, which sets the basis for this book, is unequivocally, as individual Canadians, we no longer possess or value our *God-given* human rights.

The System is centuries old. Riots, rebellions, and wars are all planned well ahead of time. Police forces, under the guise of keeping the peace, have only degraded our rights and freedoms, in the process, fundamentally removing peace and prosperity from our society. Western society has been forced into constant upheavals and stress. The System and its all-important media excel in portraying manufactured scary situations and crisis scenarios.

Not coincidentally, it's based-on *SCIENCE*. The Central Intelligence Agency (CIA) ran multiple programs in America (and Canada), specifically constructed around the reactions of people to certain positive or negative stimuli. Many of these people were given various drugs, like LSD, with or without their consent. Information was leaked about some of these practices. Years later, the truth trickled out and Operation MK Ultra was no longer another conspiracy theory.

It continued to run for years, insidiously plotting psychological warfare across a vast network of the earth using sophisticated, covert practices and purposes. It is just one of the many (many!)

programs the CIA has been running all over the world ever since it's re-making in 1947 from the Office of Strategic Services (OSS).

Since we've been old enough to go to school, turn on the TV and watch the news and Hollywood, we have been inundated with images. As a child we see 1000s of stimuli, full of drama/emotion/excitement, pain and suffering. Like it or not, we are ALL victims of varying levels of trauma-based mind control.

We have been traumatized to believe we are less than we really are. Trained to keep our mouths shut and do what we are told. Taught to be passive and conforming. When have Canadian public-school administrations ever provided a curriculum to teach about our Rights and Freedoms? Throughout my student life, I do not remember being told about how great this document was or what it meant for Canada and Canadians.

In proving my point, currently, the System is happy to promote *gay-rights* or *transgender-rights* and even the ambiguous *BIPOC* rights. We have *women's* rights, *animal-rights* and for the last several years, the System, through its controlled media, has been relentlessly promoting GLOBAL-WARMING, followed by CLIMATE-CHANGE to the masses.

It is now Global-Boiling, according to the latest experts. The result being a great deal of attention regarding those now coveted, carbon-pricing, world saving, *environmental-* rights. Yet, I cannot remember any substantial period in my life, where the System openly celebrated our inherent, God-given, *human* rights. Do you?

My experience with all of this, leading me in part, to write this book, was the distinct observation that many people within the System did not appreciate my attempts to exercise my rights. To them, I was another Louis Riel, albeit not nearly as talented nor brave. Ostensibly, in their eyes I was a rebel, a patriot, a freethinker. A nefarious freedom lover aka, A 'No-Goodnik'.

Human rights were simply a game to them. Delay, demur and deny me, frustrate me, while I spend time and money, hoping I give up. Thus, allowing them to continue re-writing their own appealing, self-righteous, ego-fulfilling narratives.

Unsurprisingly, a phrase often attributed to the Church of Jesus, otherwise known as the Jesuits, proclaims "*The Ends Justify the Means*". Likewise, "*Ordo Ab Chao*", from Latin, meaning **Order from Chaos/Order out of Chaos**, is the delightful motto of the Freemasons. Why do I mention this? Because I am convinced that ALL police forces in North America are based on Masonic hierarchies and count high numbers of Masons within their ranks. Not to mention the Masons at the top of the judicial system, with many judges and lawyers holding rank/degrees.

Their team, the System, was intent on winning. Forget about rules. Morals need not apply. It was not about right or wrong. *Rules for thee but not for me*. I concluded it is only about winning. From my experiences with the civil and criminal courts in Saskatoon, Saskatchewan, I would

describe the System's modus operandi as "Win at All Costs." These people expect to win. And they do win. Always and by any means necessary. Even if it means breaking the rules along the way. Or simply breaking you. "The ends justify the means".

Chapter 5 – Peace Officer

I am totally convinced most members of police departments, assuredly the higher-ranking ones, are Freemasons of varying degrees. We are led to believe the celebrated role of police is to serve and protect. The sole purpose of a government and the lawful authority bestowed upon it, by its people, is to protect the rights and freedoms of those people- the nation's citizenry.

If a nation's government cannot provide the basic protections of HUMAN rights to its own people, then it can no longer be considered a competent, fair, democratic or lawful nation.

As I wrote this book about my experience with police brutality and the fundamental breakdown of Canadian Law, along with my most basic Human Rights, I think it appropriate to explain the differences between a Police Officer, a Peace Officer, and a Cop. Make no mistake, you may think they are all one-and-the-same. We call them Police, but the actual term is, and always was- Peace Officer. *Oh, the irony!* We've known them over the years to become what we see today, which is *The Cops*.

Cops are simply revenue generating enforcers. Maybe we should start calling them *CEO's- Corporate Enforcement Officers*. Present-day police, in my view, represent the behaviours more similar to those of extortion artists or racketeers. I can provide an example. Have you, or anyone you know, ever been the victim of theft? Have you ever had someone break into your house or car? Maybe it was your backpack that got stolen from the park? Or you're a tradesman like me, and overnight the job site was broken into, and you showed up to work next morning and all your tools were gone?

What happened when you went to the police? If you can think about that experience, what stood out the most for you? Did you feel like someone cared? Did you get the feeling they were very interested in helping you recover your stolen property? Or were they uninterested? Did they ever recover your personal belongings? I would go out on a limb and presume the police did nothing for you. Chances are, you never saw your stuff again.

A funny thing about theft in North America- The governments of both Canada and America are the biggest thieves. It's safe to say police departments throughout Canada and the U.S. probably steal more cars every year, than all the other car thieves combined. That's why they tell you insurance and registration are the same. It is sinister, yet very simple. This way, the System uses the Traffic Safety (Statute) Act and their authority (Cops) to impound (steal) your car at their discretion.

Be that as it may, the reason the police do not care about your loss due to theft is because they are too busy attempting to generate revenue. You may ask- Revenue? Like sales? Why? Because the police are a corporation. The sole purpose of a corporation is to make as much money as possible with the lowest amount of liability for its owners. Don't believe me? If, or when they get caught, the owners pay a pittance of a fine and go right back to making profits. Look at the history of Pfizer. Pick ANY of the large corporations, like Monsanto, or Johnson & Johnson, still operating around the world today.

It is like a business transaction, which is why corporations like Saskatchewan Government Insurance (SGI) or Insurance Corporation of British Columbia (ICBC) hire the police to enforce traffic statutes, not traffic law. There is no such thing as traffic law. There is common law, law of the land, and Maritime (admiralty) Law, the law of the sea.

Stay with me...

Truthfully, when you get pulled over for speeding by the police, they are not acting as law enforcement. You have not broken the law. You have not caused a loss. Remember, technically, police are the law enforcers. So, they are a Peace Officer, in uniform. BUT, and that is a big but, in this situation, when they are pulling you over for speeding, or some other driving infraction, he/she is acting as a Traffic Safety Enforcement Officer.

Acting in his/her LEGAL CAPACITY, they are merely a revenue generating cog in the System's gears. The hat and uniform they wear is a ruse. A disguise. They are using that police vehicle, with its bright lights and loud sirens, all paid for by taxpayer money, along with those impressive uniforms to intimidate and coerce you to more easily take your hard-earned money. The badge and the gun? Call it heavy bling.

You have a driver's license. Which means, you are not you. Per se, you are a DRIVER. This is a clever concept. It is also important to fully comprehend. You see those uniforms and lights and you think they are police officers. Heck, the police themselves, probably think they are police officers! The 'provincial' (state) insurance company rents those police members and the police cars and uses them to generate revenue for itself in the form of cash purchases like traffic fines and speeding tickets and insurance licensing, etc. True story.

In this situation, or you can say, in their capacity, the cops are simply Traffic Enforcement Officers. They are unconcerned with actual law and order, unless the opportunity appears. Think of it like a job hat. For a specific job, you wear a specific hat. When I am at work, sometimes I must wear a hard-hat. The hat they are wearing is as different as if you were listening to a provincial or federal politician who happens to be the minister of Immigration but also the minister of the Environment. Or a tattoo artist and a butcher. Each role is separate and fundamentally different. You wouldn't expect to get a tattoo by a person with beef liver all over their hands, would you? The System, using the police against you, does not want you to know this. Obviously, it would seriously disrupt their fancy cash-flow game.

Which brings me to another observation. Are these cops armed? Yes. Did they have to take a Canadian certified test which grants them a P.A.L, formerly the F.A.C? Nope! So, while you, diligent defender of freedom and democracy, studied and practised and applied for your Possession and Acquisition License, previously known as the Firearms Acquisition License, the cops were simply loaned their guns by their employer.

Why do you think you see so many police shootings? And conversely, out of the over 100+ million gun owners in Canada and America, we see very few lawful card/certificate carrying, responsible, knowledgeable gun owners commit brazen acts of violence. Least of all these *Mass Shooting Events*.

Usually, after ignoring the preposterous headlines and 1st paragraph of the typical TV filth and propaganda, we dig deeper to see the ‘shooter’ was:

- a.) **Not allowed to own/buy a gun (or bullets)**
- b.) **Too poor to buy a gun (or bullets)**
- c.) **Mentally ill or subjected to previous, mostly unfavourable psychiatric analysis**
- d.) **All of the above**

But I digress.

Let’s stay with the police. From their inception, cops have always been a necessary tool. A tool utilized solely for the protection and safeguarding of Royalty, politicians and the bankers/elites! Do not be deceived. The policeman’s current role in our society involves operating as safeguards for perpetuating the status quo. Modern-day cops are purposefully used as the iron hand in the velvet glove, against we, the people.

Cops, along with our society at large, are brainwashed and fed nonsense by the police academy and corporate news media conglomerates who are funded by the System and thus, well protected within it. Upon closer inspection, the true nature of the Mainstream Media (MSM) corporatocracy is something I would aptly describe as the **news-mafia**. By and large, MSM is an integral part of the System. You see, without the deception and nonsense constantly spewed forth by the ‘media and its monopolised conglomerates’, modern society would not be forced (or programmed) into believing that Cops are the embodiment of peace-loving, helpful, honest ‘*Good Guys*’.

Nothing has changed, certainly not on paper. We never truly evolved from when the Roman Empire ruled. Unsurprisingly, we still have the Roman Catholic Church. We remain subservient to ad-hoc Kings and Lords, their merchant-bankers and a plethora of ubiquitous taxes, fees, permits and fines. The biggest difference I see now, is we wear nicer clothes and enjoy modern-day luxuries. Like fancy cars, improved plumbing and big screen TVs. Our old kings and lords merely transitioned themselves into top positions within ever bigger banks, multi-national corporations, Non-Governmental Organizations and Big Tech monopolies.

Again, this, in turn, only benefits the people dependant on ‘The System’. Those automatons, bureaucrats, federal and provincial prosecutors, defense lawyers, nurses, doctors, economists, politicians and, of course, cops & the military. They all take their place, quite proudly I might add, **in front** of their masters.

Almost like a shield of defense. What a stroke of genius by the Elites or the Powers That Be, or simply the *men-behind-the-curtains*.

Chapter 6 - Unthink

Make no mistake, the System is designed to take from you- your time, energy and money. All that it can. Then it tries to take more. Many authors have written numerous papers accusing it of being parasitic. I am going to show you how sinister the deception within our present state-of-affairs truly is. I'm going back to the moment my light bulb went on. It will better illustrate and show you proof to my story. I admit, some might be dry and boring.

My goal is to present things from another perspective. This book is not some back-handed attempt to convince you of certain things. It IS my purpose to make you realize most things aren't always what they might seem. I will introduce you to some little white lies, the purposefully omitted words, the carefully crafted phrases, and *legalese* that these people are trained to use against us, as protection, for this parasitic 'System'.

It can be too easy to throw up your hands and exclaim, "*It is all a huge lie! A great deception perpetrated before our very eyes!*". And simply turn yourself off. Believe me, I went through some emotional rollercoasters and had plenty of skeptical outbursts. My childhood vision of my future life, the fairy tale, had finally run out of steam. It felt like a flaming trail of garbage crashing down to earth.

I determined many world issues or events were more than simply incompetence or convenient coincidences. This madness could not be disregarded simply as some *conspiracy theory*. Rather, once I started using basic investigation skills, much of the stories *behind-the-scenes* unravelled quickly.

That's when I had a really low period in my life. I felt I had a problem. Like a hidden aggravation, the grain of sand in an oyster. It wasn't depression. It was an admission that I was not whole. I was in disease. Very simply, you could say I was sick.

It felt odd. Like a nagging influence I couldn't resist. Like wearing something for the first time, but you have it on the wrong way. I questioned my purpose. I questioned myself. I questioned this thing we call life. I questioned my ego.

Media corporations began partnering with 'Big Tech', gradually securing a chokehold on society's flow of information. I concluded that we, as Canadians, were being deceived. Lied to. Cheated. Bamboozled. Hoodwinked. I came to terms with the current situation and the legitimate problems which, for me, were hidden in plain sight. Problems like Big-Tech censorship, government overreach and a financial system that was based on usury and debt, which only seemed to enrich the chosen players at the top. It wasn't long in my new search, my quest for truth and a deeper understanding of things, that my own life's struggles and problems soon appeared.

Obviously, life is getting even more expensive- jobs, rent/mortgage, relationships, food, entertainment, social activities and basic necessities require MONEY. Perpetual rising taxes, unending debt, seemingly indifferent politicians and the 'big' banks creating inflation (reduced purchasing power) via techniques like quantitative easing, were making life unreasonably difficult. I was feeling less and less like a free human being.

I believed if something was not done about it soon, the same people that benefit the most from this System- the politicians, lawyers, cops and their owners, the bankers, will most assuredly run amok. In the end, run us over. One only needs to look at recent history, then compare those times to what's left of today's 'middle-class'...History repeats...

Our biggest barriers to these hidden truths come in the form of our own cognitive dissonance. This mental prison created from the unoriginal perceptions gained via a lifetime of drinking the *Kool-Aid* of the System. I knew there was only one way to make personal changes. The 'System' DEPENDED on people staying distracted and divided.

What was needed now were positive and powerful changes to my body and mind. I couldn't change the outside if I didn't start to make changes on the inside. I had to start asking serious questions about my life and the world around me. Regardless of the history books and actual accounts that played out, I was convinced I was not being told the whole story.

There was only one way to start thinking clearly and prepare my mind for my own re-education. I started by ignoring the news and the incessant flow of nonsense from the talking heads, university professors and the never-ending legions of so-called "experts". I turned my attention to the fringe elements of society, including books by independent journalists, naturopathic doctors, revisionists, truth seekers/chasers as well as surfing the web, the internet of things. I found banned books, articles, movies and various papers, like essays, lectures or reports from an entire collective of people and websites who the mainstream media typically referred to as *Conspiracy Theorists*. Somewhere along the way they were also described as revisionist historians.

I discovered a book by Gary Allen, titled, *None Dare Call It Conspiracy*. It was pivotal in opening my eyes to the concepts of Communism, Capitalism, Fascism and Socialism via a plot by certain 'Insiders' for total control over the world. After devouring that book, I discovered other authors like Jim and Texx Marrs (not related), Eustace Mullins, G. Edward Griffin, Andrew Carrington Hitchcock and Antony Sutton. These men wrote books you would not find at your local library! All had written numerous books

on subjects about different historical perspectives or uncovering the secrets behind world history. Real, legitimate conspiracies that obviously did not fit the System's narrative and thus are never mentioned.

The more I delved into things, the more of what these authors were explaining to me began to acquiesce. Accordingly, I discovered web sites or blogs with even more 'new' theories about the events surrounding 9-11, global politics, cures for diseases, suppressed technologies, aliens and more. I even noticed that many of these revisionist historians mentioned the King James Bible from time to time. There were many books I had read, but I had never read the King James Bible.

Some of these writers/authors mentioned plans or even predictions, similar to prophecies which were contained in the bible. Many attempted to co-relate events occurring now or had occurred in the past, to better enhance these alleged conspiratorial beliefs they held.

I read about certain organizations. Organizations like the *Trilateral Commission* and *Bilderberg Group*. I read about secret societies with names like the *Club of Rome*, *Skull & Bones*, the *Illuminati*, the *Council on Foreign Relations (CFR)*, *Freemasons* and the *Jesuits*. I found out the Vatican is a state unto itself, much like the city of London and the same goes for Washington, D.C. This means these places possess their own laws, regulations and borders.

I soon learned there were many people, like me, all over the world discovering for themselves the evil ideas and sinister agendas of these various elitist, 'cult-like' groups. It soon became my belief that sinister forces were creating plans and systematically implementing specific policies all over the world to better control humanity.

I came across the term: *Problem. Reaction. Solution*. An important aspect of the System's on-going success, among others, was creating conflict. To get everyone fighting each other, and not fighting the System that enslaves them all. I soon became aware of The System's use of *fraudulent* conflicts, to create the illusion of real or naturally occurring frictions and hostilities.

I learned about events I had no idea even existed- Hitler's Reichstag Fire, the attack on the USS Liberty, the Lavon Affair and something called the Gulf of Tonkin incident. None of these were discussed in any history classes I took! From this research, another term, *False Flag*, kept popping up. This was a term I was completely unfamiliar with.

Unable to shake the feelings of frustration and anger from being deceived all these years, I began to feel powerless. It was strange, though, because not long after that, it was as though something inside me let go. Something like a wet rag was lodged inside my chest, and it wouldn't let me breathe. Then one day, its as if it fell out of my lungs. I cannot find the words to explain it.

I began to experience a sense of changed vibration. Similar to feeling a calm descend upon me. I was breathing deep. But it was in my body and though uncomfortable, my mind still swirled. I felt betrayed. Things were not what they seemed. There really was a nefarious, though clandestine effort by certain individuals, using organizations/groups to utilize all the various technological, pharmaceutical, military, biological and financial methods to manipulate certain attitudes or behaviours of the human population.

With my newfound knowledge and well being, I was eager to explain my revelations about the social, economic, legal, historical, and mechanical inner-workings of the System to my friends and relatives.

These were the people who I thought would be happy to hear about it. By and large, this became an issue for me. The more I learned, the better I felt and the more determined I was to explain my findings.

Unfortunately, I was met with mostly blank stares or quickly caught-up in emotionally charged arguments from supposed friends who did not want to hear what I had to say. It seemed to me they were quite content staying within the prison bars of their own minds.

There were many instances where our dialog with certain topics became heated or strained. It was as though I was a threat to them; and in many ways, I guess I was. One day, I was reminded of the adage, “*Ignorance is bliss*”, when an old friend explained he wasn’t too keen in hanging out as friends anymore. His final remarks, which I did not take personally, were, “*It’s better to be happy, than be right.*”

Years later, having humbled myself to the fact these people would probably never figure things out for themselves, I came across “THE IMPACT OF SCIENCE ON SOCIETY”, a book by BERTRAND RUSSELL published around 1953. From page 50:

“It is to be expected that advances in physiology and psychology will give governments much more control over individual mentality than they now have even in totalitarian countries. Fichte laid it down that education should aim at destroying free will, so that, after pupils have left school, they shall be incapable, throughout the rest of their lives, of thinking or acting otherwise than as their schoolmasters would have wished. But in his day this was an unattainable ideal: what he regarded as the best system in existence produced Karl Marx. In future such failures are not likely to occur where there is dictatorship. Diet, injections, and injunctions will combine, from a very early age, to produce the sort of character and the sort of beliefs that the authorities consider desirable, and any serious criticism of the powers that be will become psychologically impossible. Even if all are miserable, all will believe themselves happy, because the government will tell them that they are so.”

There it was again. The word science. The same science which the CIA was using. Taking some comfort from his words, I realized I couldn’t take it personally. “**Diet, injections and injunctions**” stuck with me. This human condition had played over and over for 1000s of years. Certainly, no one likes to be woken up for what they perceive as trivial, unimportant reasons. Whether I liked it or not, people were completely brainwashed into believing certain things. We had an uncaring public who had lost the ability to think for themselves. I would have to focus on my own journey. But I wouldn’t do it alone.

Something like a frequency, or a vibration, inside me, changed. I was at once alone, but not lonely. I still had my brother and the dogs. I was at peace with myself. I didn’t need friends. I didn’t need to concern myself with the normies. There was no sense trying to wake these people up.

It was totally obvious to me now- God was real and he had my back. The Freemasons call him the Great Architect. It’s a curious title. I like Great Creator. It feels less religious. I’m convinced God gave people free will.

Unfortunately, I'm also convinced most people gave it right back.

Chapter 7 – Experiment 1.0

Around the middle of 2011, I began a little project, although you could just as easily call it an *experiment*. I bought a car from an ex-girlfriend, an older (1996?), two-door Honda civic hatchback. The story behind the car was it was mechanically sound, but during a visit to a local mechanic, a slight crack was detected in the rear frame. Turned out, the estimated cost to repair the crack in the frame amounted to nearly as much as the value of the car itself. So, unfortunately for her, the mechanic had to *unsafely* her car. She decided the money would be best spent towards buying herself a new car.

This is where I began to organize. The less I had to pay for a working car, the better. I was prepared to lose this Civic if necessary, so it was a win-win. She gets paid for her old car that's been collecting dust for years and I get to use an inexpensive car to initiate this blossoming little experiment of mine.

SGI Corp., Saskatchewan 'Government' Insurance corporation, would not register and insure the car until the crack in the frame was repaired. The vehicle registration number which had been entered into their system, and now held this record, made sure of that. I wasn't about to pay for those repairs. I simply started using the civic.

I knew based on how I drove that I wasn't getting pulled over for speeding or reckless driving. The fact is I don't speed or drive recklessly. Crazy, I know. I've never had a DUI, maybe been pulled over for a speeding ticket once in my life. Call me boring, I don't mind. I was genuinely happy with this new plan-this experiment. Once I put it into action, I started saving money by not paying for Saskatchewan Government Insurance Corporation insurance policy annual/monthly premiums.

I was a good driver. What is all the fuss about? What if I didn't have insurance or register the car to the government? What happens to my insurance if I drink ten beers before I drive across the city? Does the insurance company send someone to sit in jail for me?

According to Canadian law, driving is a privilege. So, what is a privilege? Who decides that privilege? Is it about the law? Is it about safety? I investigated Saskatchewan's Traffic Safety Act and the Canadian

Criminal Code. To be allowed to drive, you must take a government mandated test. Then you get a certificate or a license. Which is interesting because if I serve food at a restaurant, I must have a food-safe-handling certificate. Is it a privilege to serve people food? Or is it for safety?

Privilege to drive, privilege to carry a gun, privilege to serve food. Safe food handling practices... safe driving... safe operation of a firearm. What is the difference between registration and insurance when it comes to your automobile? How long have you been driving?

Do you know the difference between *driving* vs. *travelling*? What is the difference between a *motor vehicle* and *personal conveyance*? Do you know what trafficking is? Ever been stuck in traffic? Trafficking, is typically explained as an act of commercial enterprise. Simply to sell, administer, give, transfer, transport, send or deliver a product or substance.

Was the System convoluting the legal definition of trafficking as it related to commercial and personal use of vehicles, to collect (extort) money from the public? In Saskatchewan, my driver's license number was labelled as a **customer number**. It stated that right on the card. Why did the government label me a customer? Did that mean I could choose NOT to be a customer?

More importantly, I examined SGI itself, the Saskatchewan Government Insurance Corporation. There are two distinct divisions within SGI - SGI Canada and the SGI AutoFund. Fundamentally, compulsory payment for insurance from one supplier is monopolistic at best. At worst, well, seems pretty communist.

What happens when your government tells you their new monthly insurance premiums for taking your car on the road are now \$500.00 or \$1,000.00 per month? Do you still use your car? Do you still travel? Or do you walk 50kms to go to work? What about groceries?

This is where things got interesting. The more I drilled down into these questions, the more astonished I was at the answers I was uncovering. It soon occurred to me, the new information I learned, the less and less I truly seemed to know. Even the definition of **highway** was used with two distinct and very different meanings.

It was as if the System was encroaching, little by little, into every aspect of our daily lives. By mandating new rules and imposing stricter guidelines, it was deliberately influencing social behaviours. And not in a positive way! Was I not the only one who saw these legislated authorities as antithesis to humanity, liberty and our way of life?

What really got my attention was the rising influence of police and their increasing powers within our society. The System seemed to legislate new acts and statutes to allow the police further interference into our everyday lives. Taxes, permits, applications, new drunk driving charges and fines and new regulations all seemed to be increasing. Was I the only one who thought the System and these government mandated 'obligations' were bordering on overreach, intrusiveness, and complete invasion of privacy?

By the middle of 2011, I found myself crawling deep into some rabbit holes. On reflection, I found myself motivated to begin testing theories. Your head must be swimming right now. It's okay. This is a lot of information to take in. Information you won't find in government schools. You see, this wasn't some weekend retreat for me, either. I didn't spend an afternoon on *Youtube University* and then start scheming ways to save a few bucks by not paying insurance premiums.

I came to learn about a small, but substantial groundswell of people who did not appreciate the continuous intrusion of the System into their private lives, either. Investigating further, I soon came upon a minority of determined people, both men and women, who took exception to these increasing police and governmental powers. They were actively positioning themselves to defy these new powers and stand up for their God-given rights. They were asserting their rights as free Canadians, as free human beings.

At the time, the media referred to these sorts of people as a fringe element of society. They were immediately discounted as quacks and *conspiracy theorists*. This group of people referred to themselves using a variety of titles- Truthers, Libertarians, Patriots, Sovereigns, or Sovereign citizens. It was here I also learned about a distinct collection of people calling themselves Freeman/Freewomen or *Freemen-on-the-Land* (FOTL).

Unequivocally, my story is not about me becoming a Freeman-on-the-Land. I certainly investigated their arguments and opinions about laws and regulations. I considered myself more of a nationalist, a patriot. I was a proud Canadian. To me, it felt as though FOTL meant I had to denounce my Canadian citizenship. I wasn't about to stop being a Canadian. The whole process involved for declaring myself a sovereign felt more like a distraction than anything. But I happened to agree with some of the stuff they were saying.

What felt important to me was I needed to know what rights I had, as a Canadian, as a human and just as important, who would guarantee those rights. Did my taxes help pay for my protection? What was I getting for my money? It did not seem worthwhile for me at that time to investigate further into becoming a sovereign. I felt comfortable being a Canadian. I would cross that bridge at another time.

For me it was all part of the experiment, a question, ultimately, to test the theory. It was what I wanted to see, to experience for myself, first-hand. I wanted to know how we are being deceived, tricked and implicitly coerced into constantly paying into this System- giving it our money, time and energy.

I wanted to know what power these laws, such as the Traffic Safety Act, really conferred to the police and how it all relates with Natural law. What are the crucial differences between common law, statute law and Maritime Admiralty Law, also known as the 'Law of the Sea'? Were there similarities between the System's concept of laws, and the rules of commerce? Is this why the government was the only provider of insurance? I needed to see for myself how extortion tactics were being disguised within the law, right in front of us. Practically hidden in plain sight.

The more I studied it, the more this government registration & insurance protocol felt crooked. Throughout my project, I also learned how much the System, and the people working within and enforcing it, truly detest critical thinking people like you and I.

I mentioned at the beginning of this book that you needed to keep an open mind while reading. This was the next step in my journey; to learn how and why we, as Canadians, operate under various provisions, guidelines, statutes, acts and laws. I needed to find a better understanding of how certain legal requirements, such as having a driver's license, or paying personal income tax aligned more with the rules of commerce, than they did with the rule of law.

I was determined to comprehend why nobody seems to know the history or foundational pillars of the rules behind our Charter of Rights and Freedoms. Except, it occurred to me, those pesky *sovereign citizens* and *conspiracy theorists*.

As I read books and websites or watched videos, some of the names and faces that kept coming up were men like Alex Jones, Jeff Rense, Ken Adachi, Michael Rivero and even a Canadian, Robert Menard. Each had their own websites or videos attempting to explain how the world really worked and how people had been deceived. Many talked about increased government regulations, rising corporate powers, human rights, unnecessary wars, terrorism, the CIA and further in-depth analysis of those mind-control programs. What really stood out to me was how they all observed, after every new terrible crisis, how the people lost more and more rights and freedoms to a government pretending to help. Problem. Reaction. Solution.

I finally found an excellent summary which explained much of what I was learning. It was David Robinson's small book, entitled "**Meet Your Strawman- And Whatever You Want to Know**". I bought it immediately. After reading it, I emailed him to say thanks and ask if I could use an excerpt from it. He was happy to oblige. Taken directly from pages 56-57 of his book:

Before you were born, the bankers operated a scam intended to rob all members of the general public. They removed all forms of money and replaced it with worthless notes which read "I promise to pay the bearer"... (with another worthless bank note). They then managed to do away with the government and replace it with a group of commercial companies which they own. They cunningly named these companies so that they look like a government. They took over the printing of the worthless bank notes with their private company called "The Bank of England" which is meant to sound like a government organization (although it most definitely isn't).

The next step in their cunning plan, was to get their company which sounds like the government, to ask their other company "The [non-federal] Federal Reserve" to print them lots of (worthless) money and to charge interest on that money, over and above the face "value" of the currency. This excess interest amount is called the "National Debt" in order to fool ordinary people into believing that their country somehow owes somebody large amounts of money. Firstly, there is actually nothing owed at all. Secondly, there is no money. Thirdly, the country does not owe anything, and in the unlikely event that there were a genuine debt, then it has nothing to do with ordinary people as it is just a national debt incurred by one commercial company to another commercial company (owned by the same people). This supposed debt has been boosted over the years to a ridiculous level which could never, ever be paid off, and you will no doubt be glad to learn that all income tax is now paid to the owners of these commercial companies. Isn't it great to be paying vast sums of money to a commercial company which has never done anything for you and which holds you in utter contempt because you haven't

discovered their scam and continue to pay lots of ridiculous taxes, fees and charges, none of which you need to pay at all. Combined, these charges amount to more than 80% of a person's earned income- do you enjoy living on one fifth of what you actually earn?

To strengthen their scam, they have invented a language of lies called "legal terminology" where they have changed the meanings of ordinary English words in order to abuse and rob ordinary members of the public. They have set up a company called "The Law Society" to train up unscrupulous people in their methods of deception and lies. Their commercial company which pretends to be the government, keeps inventing new "statutes" which they pretend are laws (which they are most definitely not) and they keep telling everybody that they "must obey these laws", and they have subverted policeman and policewoman and convinced them that they have to enforce these statutes. The primary aim of these statutes is to take cash, goods and property from members of the public who have not yet discovered that it is a scam being run against them. Many police officers are probably themselves ignorant of the fact that statutes are purely optional and no human is actually bound by them.

Just to clarify the situation, breaches of The Law are dealt with in a genuine court with a jury. All other matters, such as taxation, bank loans, parking restrictions, speed limits, and the like, are dealt with in a fake "court" which is a commercial company and part of a violent protection racket style scam which is wholly unlawful, but enforced by violence, threats and intimidation using bailiffs and police to protect the bailiffs from being attacked. There has never been any law which demands that you pay any form of tax, licence or other charge.

What you decide to do is entirely up to yourself. You can continue to give away most of your income to fund people who want to harm you, or you can decide to step outside this corrupt system, and stop paying these people. All humans are born equal, so nobody has the right to order you around, unless you agree to give them that right, and the choice is yours.

Chapter 8 – Traffic Safety Act

A moment arrived in the late afternoon of January 13, 2012, which finally lent credence to the myriad of theories I had been studying relating to the System and how it “functions”. Leaving work one day in the old Honda civic hatchback I was still using as my experimental, *unregistered, uninsured* vehicle, I neglected to put my seatbelt on. As fate would have it, on my way towards the #11 highway on-ramp, I found myself followed by a marked Saskatoon Police Service (SPS) cruiser. It was a white Crown Victoria with black crash bar in front and rack of colourful lights on the roof.

It was a bona fide traffic stop by a pair of Saskatoon Police Service (SPS) constables, Officer Siemens and Officer Ens. I was not speeding. They had noticed the absence of the inverted ‘V’ from where my seat belt should have been. It seems cops are trained when they are driving behind someone to look to the left of the driver’s head. Allowing them to better observe if a seatbelt is being worn.

Unfortunately for me, my driver’s license had expired only months earlier. I saw no reason why I had to pay for a new license when nothing on it had changed. It wasn’t as though I was an unsafe driver. The license had simply expired. Which meant the System wanted its money, again. Through the course of this interaction, they charged me for not wearing my seatbelt, driving an unregistered and uninsured vehicle and driving with an expired license. Then they stole my civic. It’s true.

I attempted to explain my knowledge of the Traffic Safety Act. I attempted to explain to them the errors they were committing. I had done nothing to endanger the lives of people, or other motorists. There was a reason I had my hands in my pockets. It was cold out. And windy! Ever been to Saskatchewan before, in January, no less?

Well, they threatened me with violence and coerced me into handing them the key to my car. I had been working as a plumbing apprentice and was fortunate enough to be working inside on a big job for a few weeks. I did not have gloves, a hat nor a heavy jacket with me. I was far from home, approx. 60km away.

Things quickly escalated on the side of the highway. Constable Siemens arrested me for being stupid. Yes, you read that correctly. He will never admit to it, but that's what he said to me outside their patrol car after he freaked out when I came "too close" as I tried to ask them questions and plead my case.

He forced me into an arm bar and twisted my hands behind my back. If it was so unsafe because he couldn't see my hands, he sure had no problem immediately grabbing them. This 'Peace Officer' Siemens, using pain compliance techniques, then forced me to my knees at the side of the road. Conveniently, some co-workers were also leaving work at that time and drove by. They witnessed me on my knees, the two cops now menacingly berating me on the side of the highway.

Siemens was a Caucasian with a shaved head, Ens was native American/Indigenous. What a pleasant surprise, a Cowboy and Indian. Just to be fair. Here is their side, from police officer's (Siemens) notes. These were the notes I eventually acquired after requesting *disclosure* before I decided whether I would attend traffic court for the said tickets.

**SASKATOON POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY
GO# SP 2012-4033**

SEIZED VEHICLE-TSA/CC/OTHER

Narrative: DETAILS-1

Author: 498 SIEMENS, FREDERICK "FRED"

Related date/time: Sunday, 2012-Jan-15 00:49

On 2012Jan13 myself and Cst. Ens conducted a vehicle stop on Circle Dr. and College Dr. with Sask marker 252MGA a 1992 Honda Civic gray is colour. Cst. Ens was operating patrol vehicle 476 and exited the vehicle to speak with the driver. I ran the license plate of the vehicle and found that the driver the RO of the vehicle was operating without a valid drivers license at(sic) well as the plates belonging to a different vehicle and were also expired. I approached the drivers side door of the vehicle to explain these issued (sic) to Cst. Ens and he informed me that the driver of the vehicle was refusing to give his identification.

I returned to my police vehicle to check SGI's site to see if the RO of the vehicle was in fact the driver which it was male now known as James Stewart. After Cst. Ens was able to obtain identification from this male several tickets were being written by myself and Cst. Ens when the male approached the passenger side of my vehicle.

*I rolled down my window approximately 5 inches and asked him what I could do for him and he stated nothing I just want to stand here and see how you're doing. I asked the gentleman to remain in his vehicle which he refused and since he refused to do so I then asked Stewart to remove his hands from his hoodie pocket. Stewart refused to remove his hands from his pocket even though I had explained to him that his behaviour was cause for concern and his not removing his hands from his pockets was a safety concern for myself and my partner. Stewart again refused to remove his hands from his pockets at which time I exited the vehicle and placed him under arrest for officer safety reasons. Stewart was handcuffed behind his back and was given a cursory search for weapons. At this time Stewart admitted to me that he had a knife which he used for work purposes in the front pocket of his overalls which were under his bunnyhug (**Saskatchewan slang for Hooded sweatshirt-my note**)*

I removed this knife from his person and handed it to Cst. Ens who placed it on the dash of our police vehicle until our dealings with Stewart had concluded.

After all the tickets were completed Stewart stated to us that he would comply if we were to take off his handcuffs and issue him all paperwork. At this time as I removed the handcuffs from Stewart at approximately 1700 hours (handcuffs were placed on Stewart at approximately 447 hours).

Stewart was issued all four SOT's in which were driving without valid drivers license, failing to wear seatbelt, driving an unregistered vehicle, and disobey(sic) unauthorized plate. Cst. Ens issued all four tickets to Stewart in my presence and Stewart took all items and awaited for a ride to pick him up to transport him to a warm location where he could phone additional people for a ride as he lives out of town.

Always Towing shortly thereafter showed up to tow Stewart's car while Stewart was still present and this was done without incident as was the rest of our dealings with Stewart.

-/-

The irony was not lost on me that they were more concerned about their safety, than about mine. These men were performing as Traffic Safety Enforcement Officers, enforcing the Traffic Safety Act (TSA) at the request of Saskatchewan Government Insurance (SGI). They were not Peace Officers, or Law Enforcement Officers, as you might assume. No, they were acting in the capacity of Traffic Safety Enforcement officers, bound to the rules of the Traffic Safety Act, as was I, since I handed them my DRIVER's LICENCE, which identified me as a DRIVER. I am hoping some of this is starting to make sense (cents?) for my readers.

Pay close attention to the section of the TSA I have included below. During my traffic stop, I attempted to discuss said TSA with these Traffic Safety Enforcement Officers. This is an important reference for later in my story.

Traffic Safety Act 2004
CHAPTER T-18.1
An Act respecting Traffic Safety, Vehicles and Drivers, Owners and
Operators of Vehicles and making consequential
amendments to other Acts

Immobilization or impoundment of motor vehicle

160(1) In this section and section 162:

*(a) "**notice of seizure and direction**" means a notice of seizure and direction issued pursuant to clause (2)(b);*

(b) "notice of seizure and impoundment or immobilization" means a notice of seizure and impoundment or immobilization issued pursuant to clause (2)(a).

(2) A peace officer who has reasonable grounds to believe that an unauthorized driver has driven a motor vehicle for which a driver's licence is required to drive the motor vehicle on a highway shall seize the motor vehicle and either:

(a) cause the motor vehicle to be impounded or immobilized and issue a copy of a notice of seizure and impoundment or immobilization to the unauthorized driver and the owner of the motor vehicle; or

(b) if the peace officer is satisfied that immobilizing or impounding a motor vehicle would jeopardize the safety of, or cause undue hardship to, any person, issue a copy of a notice of seizure and direction to the unauthorized driver and the owner of the motor vehicle.

(3) A motor vehicle that has been immobilized pursuant to this section may be impounded.

(4) No person to whom a notice of seizure and direction is issued shall fail to comply with the notice of seizure and direction.

(5) If the motor vehicle is not made available for immobilization or impoundment at the time and place specified in the notice of seizure and direction, a peace officer may apply to a justice pursuant to section 168 for an order authorizing the impoundment or immobilization of the motor vehicle.

(6) A notice of seizure and impoundment or immobilization and a notice of seizure and direction must be in the prescribed form and must state any of the following information that the peace officer is able to ascertain:

(a) the name of the unauthorized driver;

(b) a description of the seized motor vehicle;

(c) the licence plate of the seized motor vehicle;

(d) the date and time of seizure;

(e) the place where the motor vehicle is to be immobilized or impounded;

(f) in the case of a notice of seizure and direction, the time when and the place where the unauthorized driver or the owner, as the case may be, shall make the motor vehicle available for immobilization or impoundment.

(7) A peace officer shall:

(a) serve a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction:

(i) immediately on the unauthorized driver; and

(ii) as soon as is practicable on the owner of the motor vehicle;

(b) provide a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction to the garage keeper who, pursuant to section 161, is to immobilize or impound the motor vehicle;

(c) provide a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction to the administrator; and

(d) retain a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction.

I was embarrassed by these policemen who painfully forced me to my knees in public, especially in front of my co-workers and many others driving by. They then proceeded to treat me like a hardened criminal. Nevertheless, I viewed my experiment as a resounding success. The more I knew about my rights as a Canadian and my obligations as a ‘driver’, the more attitude I was subjected to from the police. And I would soon find out, courthouse workers and some devious traffic court prosecutors, as well.

But the experience did not come without its problems. My boss happened to drive by. Seeing me on my knees with my arms behind my back, two police officers with their hands on me, gave him some cause for concern. He took it upon himself to pull over and exit his truck to inquire about the circumstance. The two officers explained to him what had happened and were quite pleased to tell him about my license

expiring. They made a big deal about giving me my scary utility knife back. You know the kind, the folding lock style, with the sharp, tiny blade... A glorified box cutter, really. Call me a terrorist-plumber.

Even my journeyman drove by and ended up stopping. He didn't stick around. I was happy to see my boss. I was pleased he could get me a ride to a restaurant I knew, but I don't think he was too pleased about it. I don't blame him. I suppose I wouldn't be either.

I grabbed my tool bag and lunch cooler and loaded everything else I could from the civic into my boss' truck. He would leave my stuff in the back of the shop where I could pick it up after work the next day. We didn't say much on the quick drive. He asked me about my drivers license and told me to get it renewed so I could use the work trucks. We drove 5 minutes to a restaurant called The Granary, somewhat of a Saskatoon icon, where I knew some of the staff.

I tucked my tools into the coat check area and took a seat at the bar. Before I even got comfortable, there was a pint of cold beer in front of me. I smiled and nodded to the bartender who nodded and smiled back. As I began to relax, I thought about some life lessons from my little experiment.

My car was gone. The pirates in polyester pants had taken it. My eyes focused on the beer suds, and I rubbed my numb fingers on the sides of my pint glass. The cold ache in my fingertips was finally leaving. Probably a good time to start texting some friends. It was getting late, and I had to find a ride home. Just as important, find a ride to work tomorrow. Grabbing my notepad and pen from the front chest pocket of my Carhartt bibs which was right beside my scary terrorist knife, I opened it and wrote-

- 1- don't talk (to) police... Don't explain shit (to police)
- 2- Fuck the police!!
- 3- Need new gloves & toque*

*Canadian word for knitted cap or winter-style hat

Chapter 9 – Traffic Court

It was during this time I got my introduction to the duplicitous world of *Provincial Traffic Court*. Specifically, Saskatoon Traffic Court and two City of Saskatoon traffic prosecutors, Larry Danylyshyn & Glen Metivier. It was here I began to learn the differences between traffic court, predominately based in *statute* law and commerce, versus provincial/criminal court (court of law). Specifically founded on the principles of *common* law.

At the risk of sounding repetitive, I ask you to keep an open mind. I am not attempting to offer legal advice in any way, nor am I here to convince you of anything- except that things are not always what they seem. And trust me when I tell you, I DON'T have it all figured out, either. So... I am not about to get technical nor offer you easy ways to not pay speeding tickets.

Traffic court, it turns out, is not really a court of law. Oh sure, you might think it is. You might be gullible enough to believe you have to answer to the Traffic Safety Act charges, like failing to yield, or changing lanes without signalling. I'll admit it. I was 17 once and didn't know any better, either. I thought I knew what I was doing. Only because I was doing the same thing EVERYONE else was doing! Call me gullible. I was. I wanted my license so I could buy a truck to go fishing. I had no idea growing up those rules and regulations even existed.

To go to the Traffic court show, you get a ticket. Like the movies, or Broadway! However, when the police issue you a traffic ticket, it is typically referred to as a Safety Offence Ticket (SOT). When you attend traffic court, the onus is on you to *prove* your innocence. Further, if you fail to show up to traffic court, at the time, date and place stamped on your ticket (the **contract**), the traffic court judge, with the help of the traffic prosecutors will find you guilty in your absence. But one fundamental maxim when it comes to law, is your right to be innocent until PROVEN guilty. This poses a direct threat to your Canadian rights, as outlined in the Charter of Rights and Freedoms.

The section of the Charter, Legal Rights, specifically section 11, from government of Canada's own website- <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html#a2e5> states:

Section 11 - Proceedings in criminal and penal matters

11. Any person charged with an offence has the right:

1. **a) to be informed without unreasonable delay of the specific offence;**
2. **b) to be tried within a reasonable time;**
3. **c) not to be compelled to be a witness in proceedings against that person in respect of the offence;**
4. **d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;**
5. **e) not to be denied reasonable bail without just cause;**
6. **f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;**
7. **g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;**
8. **h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and**
9. **i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.**

Section 11 sets out several important rules that protect anyone charged with an offence under federal, provincial or territorial law.

Persons accused of a crime must be told promptly what offence they are charged with (section 11 a) their trials must take place within a reasonable time (section 11 b); and they cannot be forced to testify at their own trials (section 11 c).

Anyone accused of breaking the law is considered to be innocent until proven guilty. This means that the prosecution must prove beyond a reasonable doubt that the person committed the offence before he or she can be found guilty. The trial must also be conducted fairly before a court which is unbiased and independent of political or any other influence (section 11 d). A fair trial ensures that the rights of the accused are properly protected.

An accused person is entitled to reasonable bail (section 11 e) and, for very serious charges, has the right to trial by jury (section 11 f).

A court cannot convict a person of a crime unless the law in force at the time of the offence specifically stated that the actions in question were illegal (section 11 g).

If a person is tried for an offence and found not guilty, he or she cannot be tried on the same charge again. Moreover, if the person is found guilty and punished for the offence, he or she cannot be tried or punished for it again (section 11 h).

In a situation where a person commits an offence and, before he or she is sentenced, a new law changes the fine or term of imprisonment that applies, that person must be sentenced under whichever law is the more lenient (section 11 i).

Before the end of my book, you will see how several of my rights, and my brother's rights, were ignored/violated. Including section 11, above. This is no small thing. In my experience with the SPS, government clerks/workers, lawyers and judges, it wasn't that they disregarded my rights, it was like they operated in an aggressive, or combative-style approach to interactions or inquiries. Like they were attempting to prove me wrong in my approach to standing up for myself. I would describe it like an adversary- they actively goad people into making emotional reactions.

A common factor of law is there must be a victim. Someone must have been hurt or suffered a loss. The very basis of common law. If this happens, then a crime has potentially been committed. Hence, the duplicity of the legal lexicon and the System's incentive to keep you ignorant of these facts. The System wants you to pay for everything. They want to monetize all aspects of our lives. However, there is no victim when you change lanes without signalling or forget to wear your seatbelt. Or drunk driving.

You might not like it, but if I can safely drive home, drunk as a skunk, and no one got hurt, then there is no crime. Relax, take a deep breath. I'm not out there driving drunk or promoting it. I am merely using it as an example that people will focus on. The reality is the System used 'Mothers' to create a law without a victim.

We always had laws on the books about murder, assault, injury, etc. If you kill someone while you are driving, you will face consequences, sober or otherwise. But getting behind the wheel of a vehicle, and safely driving home, which usually happens, should not result in tickets, seizure of vehicle, suspension of license, criminal charges, or otherwise. That's just how it is. I use that example because it has been downloaded onto our brains to better illicit an emotionally charged response.

If I drive home drunk, and I make it home safely, where is the victim? Who got hurt or suffered a loss? Where, then, is the crime? Of course, the politicians couldn't interfere so directly into our lives, so they used an NGO (Non-Government Organization). It was '**Mother's Against Drunk Driving**', remember? I do. So, now in these woke times, I guess it needs to be changed to *Birthing Persons Against Drunk Driving* to be more inclusive.

The system cleverly attempts to satisfy the law and obliges you to pay a victim surcharge fee. When was the last time you paid a 'traffic' ticket? Do you see what has been done? It was a speeding ticket, yet you must have broken the law, because you paid for a victim. Driving too fast through a school zone? Did you hit a child? No, you were merely speeding. So, why did you pay the victim surcharge fee? You knew there was no victim, yet you paid compensation to a victim. Was it because you felt obligated to pay it? Or they simply told you to pay, and you felt intimidated, so you paid? Why did you pay?

Further, when it comes time to pay, you always pay in CASH. You can never pay your court fees with a credit card. Funny how that works. Can't play the lottery with a credit card and you can't pay your court costs with a credit card. The System only works if we keep paying into it. Our money, not the printed out-of-thin-air, bank notes of credit. Try it sometime. Try and get credit card reward points next time you get a SOT for speeding. The System knows what money is, and it has gone to great effort to construct methods to take even more from us.

This was where my book learning curve and my in-real-life (IRL) learning curve merged. I decided to utilize my newfound knowledge and continue my little experiment by questioning the four tickets and the authority they invoked. However, I would not be pressured to attend traffic court. I knew my attendance would only acknowledge that I was agreeing to engage in their implied contracts. Consequently, I would then be liable to sanctions/fines, courtesy of these provincial government legal 'statutes'.

I felt that Siemens and Ens had over-reacted in their Peace Officer (a.k.a. *Traffic Safety Enforcement Officer*) duties. In my opinion, they were too aggressive and anxious in enforcement of the Traffic Safety Act. By coercing me with physical violence and doing things against my will, whereby violating my human rights, they were not following their own legislated statutes, nor their sworn Saskatoon Police Service oath.

The SPS Oath

I, _____, swear that I will, without favour or affection, malice or ill-will, to the best of my ability and knowledge, well and truly serve Her Majesty the Queen, uphold the principles in the Canadian Charter of Rights and Freedoms, preserve the peace, prevent crime and other offences, enforce the law and otherwise discharge the duties of my office faithfully and according to law, so help me God.

So, instead of wasting a full day in traffic court while sacrificing a full day of paid work (which is a convenient way for the traffic courts to procure more easily the public's hard-earned money), I simply mailed all the tickets back, with directions attached to each. If the System was obfuscating our rights and being deceitful about our freedoms, then acting disingenuously by substituting contract/commercial law in place of natural law, I was not about to accept their conditions or contracts.

I took the traffic tickets (Safety Offense Tickets) those two cops served on me, and I sent them all back. Writing the same note on each, in red felt pen, so the traffic prosecution office clerks and prosecutors wouldn't be confused.

I felt liberated! I had enough of these people and their extortion and bullying tactics. I felt myself agreeing with many of those writers and conspiracists. In my mind, the System was a parasite. I was tired of giving it any more blood/money. I then went about my life and patiently waited for a response.

TICKET NO. 7485340

SUMMONS
ON BEHALF OF HER MAJESTY THE QUEEN IN THE PROVINCE OF SASKATCHEWAN THE PEACE OFFICER DECLARES THAT HE/SHE HAS REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT:

NAME: [redacted] M F C

DRIVER'S LICENCE NO. Saskatchewan Other Jurisdiction Class _____

DATE OF BIRTH: DD MM YYYY

ADDRESS: [redacted] (Saskatchewan) (postal code)

On the 13 day of March 2012 at [redacted] (Saskatchewan) (time) M

SECTOR 1

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE UNDER:

The Alcohol and Gaming Regulation Act, 1997 The Traffic Safety Act
 The Highways and Transportation Act, 1997 The Wildlife Act, 1998 Section Number 30(1)

Other _____
 Regulations under the Traffic Act
 Bylaw No. _____
 Description of Offence: Exceed Speed Limit of _____ Driver/ Passenger failing to properly wear seat belt
 Other _____

SECTOR 2

PLEASE READ THE BACK OF YOUR COPY CAREFULLY FOR THE OPTIONS AVAILABLE FOR RESPONDING TO THIS TICKET

A payment option of \$ 150.00 lists which must be paid no later than the 20 day of _____ 20 _____

Pursuant to The Summary Offences Procedure Act, 1980 this offence relates to:

SECTOR 3

PART III—SUMMONS
 If no amount is indicated or you choose not to pay the amount indicated, you must appear in Traffic Provincial Court

At _____ SK
 on the 13 day of March 2012 at _____ M. to answer to the above charge and be further dealt with according to the law.

SECTOR 4

[REDACTED SECTION]

I, _____ NO. _____ a Peace Officer in Saskatchewan,
 CERTIFY that I did, on the 13 day of March 2012, issue this ticket. (Signature of Peace Officer)

SECTOR 5

THE FOLLOWING DOES NOT FORM PART OF THE CHARGE BUT IS PROVIDED FOR INFORMATION ONLY:

Vehicle Make	Type/Make and Model	Vehicle Year	Vehicle Licence No.	Other	<input type="checkbox"/> Saskatchewan <input type="checkbox"/> Other	Licence Exp. Year
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	7/1/96

VEHICLE IS A POWER UNIT, TRUCK, (EXCLUDING PICK-UPS) OR BUS NSCID No. _____

Owner's Name (if different from above) _____ (first) _____ (other) _____
 Address (if different from above) _____ (street) _____ (city/town) _____ (province)

Vehicle was clocked at _____ km/hr.
 Municipal Police Officer Wildlife Officer Other
 Highway Traffic Officer Revenue Officer R.C.M.P.

RECEIVED
 MAR 13 2012
 SASKATOON PROVINCIAL COURT

OFFICER UNIT NUMBER: 1496 OCCURRENCE NUMBER: _____

PART 5

It didn't take long to get one, in the form of a threatening letter from traffic prosecutions office, care of Larry Danylyshyn and Glen Metivier. At the time, they were two cogs in the gears of the Saskatoon traffic prosecutor's office. Their letter stated that if I did not show up to answer to the 'charges', I would be convicted in my absence and fined the corresponding amounts. Those amounts could then be taken from any tax return monies, GST rebates or other money I might receive during the year. How convenient for them. I wrote them back asking for the disclosure, which is when I received the notes from officers Siemens and Ens.

After examining the disclosure and reading the notes from Siemens and Ens, my research and new perspective all began to gel. Things became clearer. Traffic court existed as another system. A mechanism

to feed the System. The entire system was made up of systems. A collection of systems, working cohesively. A System of systems.

I wrote back to Traffic Prosecutions and told them I was too busy to show up to their kangaroo court. The scheduled time and date they offered were not convenient for me. After mailing the letter, it then occurred to me, that if everyone else practised a little civil disobedience and refused to give their time and money to this parasitic System, how quickly things would change.

How quickly we would obtain some accountability and respectability from our own government. How quickly we could prevent the System from taking our hard-earned wages for its own selfish interests. How quickly we, as a unified people, acting co-operatively, could starve it to death.

That's why it's called *exercising your rights*! The way I see it, periodically and from time to time, you need to get out there and use them! How many people exercise their rights? What is that old axiom? *If you don't use something, don't exercise it, you will eventually lose it*? If you don't exercise your brain, you get stale. If you don't exercise your muscles, you get soft (and fat). Whatever **it** is, if you don't exercise **it**, **it** eventually stops working. And sooner or later, you risk losing **it**, altogether. I was beginning to feel that way about my rights as a Canadian and human being.

It was around this time I overheard something on the radio or maybe it was the TV? I remember it was a question about what it meant to be a Canadian. It referred to the type of unique things Canadians were known for. What made Canada famous, or those things that were the most attributable to being 'Canadian', such as hockey, or the iconic beaver, or maple syrup.

Contemplating this question, one reason immediately stood out for me. My father and my grandparents emigrated to Canada in the 1950s. Like many, they sought a better life. A chance for a new beginning in a new country. An exciting life-quest with many side-quests, as the kids might say. I thought to myself, "*Everyone comes to Canada because Canada is respected around the world for standing up for the rights and freedoms of Canadians and others*".

I truly believed it. There was a time that Canada was admired on the world stage. Canadians were respected everywhere. We sent our peacekeepers all over the world, to very dangerous and even deadly conflicts. When I was growing up, we were proud to be Canadian. It was something you could call national pride, proud of our country. Canadians had earned (and well deserved) their pride- long before the LGBTQXYZ123 came along and stole it.

I began to take a much greater interest in my country and the powers I had (or thought I had) as a Canadian. Which by default, led me to learning what powers the System, and the cops, its knuckle-dragging henchmen, had over me. I re-evaluated the connection between our basic rights and subtle differences between the word sovereign and citizen. I found a new term called the *Strawman Contract* and became even more aware of all the noise, confusing nonsense and static from the System. This is what the System does best- divides, distracts, misinforms, and persuades us from earnestly expressing ourselves and exercising our rights.

Chapter 10 – The Acts

By August 2012, my numerous letters to Traffic Court and their replies had abated, and my brother and I were thoroughly enjoying Saskatchewan, “Land of Living Skies”. I got into some hobbies, and I was finally getting my head around the Traffic Safety Act as well as the Criminal Code of Canada. I studied up on various terms and definitions and the System’s mind-numbing, intentionally complicated, and contradictory lexicon. Their so-called *legalese*.

I suppose this could be called an initiation, of sorts. A self-directed initiation into the System’s semantics. The English language is very interesting. Pay close attention to the implied definitions of words versus their true, real, factual meaning (in law). I knew there was more to the story than meets the eye. Growing up, I did not comprehend how this duality and twisting of the lexicon literally covered for the System.

Slowly, the various words and legislative acts, all cloaked in *double-speak*, were becoming more apparent to me. I began to consider it a pattern of deliberate ambiguity. I examined the differences between a highway and a public roadway. Or the concept of physically driving/trafficking versus say, travelling. If the System says you are operating a motor vehicle, kindly remind them you are simply utilizing your personal conveyance. It sounds rather absurd, yet it is this very WORDS game the System plays so well. Once again, not legal advice. I’m merely framing a perspective.

Everything in our lives was being legislated, using statutes/acts, to better control our thoughts, actions and sub-conscious behaviours. There was a war being waged. Words were becoming weaponised. I grew up with the creation of the term “Politically Correct”. Make no mistake, there is a war going on. A war for you, your soul and your children’s souls. Most people don’t want to believe it. It was no different with me and my family/friends.

The System wants total control, because when something is under control, it means it works. Which usually means progress and profit. If something is out-of-control, chances are, it is not working, or not working as efficiently as it should be. Potentially limiting profit and progress. Don’t believe me about the

System controlling our lives? Consider these frequently accessed acts, from the Government of Canada's own Justice Laws Website: <https://laws.justice.gc.ca/eng/acts/> .

Controlled Drugs and Substances Act
COVID-19 Emergency Response Act
Criminal Code
Divorce Act
Immigration and Refugee Protection Act
Income Tax Act
Pension Act
Privacy Act

We have the Health Act, Bank Act, and many other acts, all dictating and governing every part of our lives. There seems to be an act for everything. How can Canadians really be free, or call themselves a democratic country, if everything about their lives appears to be totally regulated by the System?

Was Canada a nation of laws? It was against the law to not wear your seatbelt. It was against the law to not pay your taxes. It was against the law to not buy insurance for your car. It was against the law to own a fast-shooting rifle. There was a time when it was against the law to be gay and perverted.

The more I read about the history of police, the Police Act, police powers and authority granted to them under the law, (by the System) the more I realized I did not appreciate the meaning of the word, law. What is law? Specifically, when I say law, what law am I referring?

It turns out, there is more than one definition of law. We have common law, natural law, statute law and I was coming back, time and time again, to the topic of Maritime Admiralty Law. Otherwise known as the *Law of the Sea*. This one really floored me. Here I was, well into my thirties, and I had no fundamental clue about Maritime Admiralty Law. I had never read much about it before. I found out very quickly, there was more to this law of the sea than we have been told.

I could only laugh to myself as I realized, once again, how the education system, failed, neglected or refused to teach me about various types of law. Further, which types of law we, as Canadians, use and stand under. As such, I decided to add a definition for each, based on a few Canadian Legal books I borrowed from the library or found in print/PDF online.

Natural Law – The law of nature. The code of rules which originates with the divine, nature or reason in contrast to laws people make. Under natural law theory, this law, which is different from man-made law, is said to be set forth by God through human reason to conform human nature, meaning the whole mental, moral, and physical constitution.

Natural law is argued to exist regardless of whether it is enacted as positive law. One might be inclined to include the 10 commandments, as some believe natural law is based on the bible. Basic human instincts are not to hurt other people, or steal from people, etc.

Statute Law – A law or act which expresses the will of a legislature or Parliament. An act of a provincial legislature or the Federal parliament adopted pursuant to constitutional

authority. Statutes constitute a primary source of law and are enacted, for example, to prescribe conduct, define crimes, create government bodies, appropriate public monies, and in general promote the public good and welfare.

Common Law – In contrast to statute law, law which relies for its authority on the decisions of the courts and is recorded in the law reports as decisions of judges along with the reasons for their decisions. The system of jurisprudence, which originated in ancient times and modified by England and was later applied to Canada. It is based on judicial precedent rather than legislative enactments. Common law depends for its authority upon the recognition given by the courts to principles, customs, and rules of conduct previously existing among the people. It is recorded in the law reports, the decisions of the judges, together with the reasons they assigned for their decisions.

(Canadian) Maritime ‘Admiralty’ Law – The traditional body of rules and practices particularly relating to commerce and navigation. A body of federal law dealing with all claims in respect of *maritime* and *admiralty* matters. The words *maritime* and *admiralty* should be interpreted within the modern context of terms- commerce and shipping. Think global commercial shipping, trade logistics and the merchants doing the buying and selling.

I could not get over the feeling that my not knowing these laws and their differences was a deliberate result of the System’s agenda. If the System wanted me to know about something, it would be sure to hammer the point home. To keep the money flowing, toward the top of the pyramid, by keeping people confused and in the dark, was crucial for the System’s survival.

The System operates via a common hierarchal structure, similar in shape to a triangle (think pyramid). The same pyramid they display on the American one-dollar bill. The System’s top-down level of power and responsibility is evident throughout the entire corporate, political, religious and military apparatus of the world. Within the power structure, there are many positions or levels suited to unscrupulous gatekeepers and influencers, who although appear to act autonomously, do in fact, act cohesively with their like-minded cohorts.

There was an agenda afoot. There were days I felt as though my head would explode. The System and its beneficiaries littered the landscape with conflicting information. This was deliberate. The less people aware of the scam, the more the System benefitted. I was convinced that legal definitions were essentially cloaked in obscurity, using similar words to cause assumptions and ambiguity. I am constantly reminding myself that the pen is mightier than the sword. It’s true: words = sword.

This was around the time I finally confirmed my observations about my so-called education and how the System was misleading and misinforming the people. I read an interview somewhere and that led to more

research and digging, to finally learn about two people, John Taylor Gatto and Charlotte T. Iserbyt. They had written books and articles about the very same things I was thinking.

Charlotte Iserbyt's "**The Deliberate Dumbing Down of America** (1999) and **Soviets in the Classroom** (1989) are two books that exposed the current and future state of American education. Mr. Gatto wrote "**Dumbing Us Down- The Hidden Curriculum of Compulsory Schooling**". In it, he writes,

"Monopoly schooling has been the chief training institution of the hive society. It certifies permanent experts who enjoy privileges of status unwarranted by the results they produce. Because these privileges, once achieved, will not willingly be given over, whole apparatuses of privilege have been fashioned that are impregnable to change. Even under the severest criticism they grow larger and more dangerous because they nourish important parts of our political and economic system.

In the most literal sense they are impossible to reform because they have ceased to be human, having been transformed into abstract structures of superb efficiency, independent of lasting human control survival mechanisms. This is not a devil you can wrestle with as Daniel Webster did with Old Scratch, but one that has to be starved to death by depriving it of victims."

Through the course of writing my story, I have witnessed first-hand, how the System successfully perpetuates the deceit and pushes its agenda. By utilizing legions of 'on-demand' experts and various authority figures, the System creates problems, eliciting emotional responses, in-turn, justifying legislated mandates which further encroach on our daily lives. These mandates ultimately manifesting in the form of greater health, safety, inclusivity, security or anti-hate measures and rules/laws.

Chapter 11

Friday August 24th, 2012 was a beautiful summer day. I remember being in a good mood. We had just returned from another session of frisbee with Jake and Casper. Jarvis and I were days away from finishing a side-plumbing job. Our plan was to meet some friends later that evening after celebrating Jarvis' birthday. He had mail to pick-up at the Canada Post office within Shopper's Drug-Mart, at Grosvenor Mall, in Saskatoon. I wanted to take him out for some sushi dinner.

I was happy. Much of my research and hard work was finally clicking into place. I felt like I was taking back control of my life. Taking back what God had given me; had given all of us. The right to live as He intended. The words directly from the Charter seemed to speak to me. The right to life, liberty and security of the person. The right to freedom of expression, opinion, association, and belief.

As chance would have it, a part for my Ford Ranger did not arrive, so I was unable to use it for driving us into town for Jarvis' dinner. I admit, we had no insurance for Jarvis' car. I should have called the repair shop sooner, I just assumed my truck would be ready. Now, with my truck stuck in the shop, and having finished work and playing Frisbee...we did not get insurance for Jarvis' car.

We let it go too late and the insurance office in town closed at 5pm. It felt like deja-vu all over again. Did he need insurance? Could we risk it? What was the worst that could happen? We discussed the situation, fully aware that taking the Celica into the city without insurance would not constitute a crime, merely a potential Safety Offence Ticket, but Jarvis was still unsure.

I attempted to put him at ease, asking him to consider this would be another repeat of my Honda Civic experiment. "Technically, the cops can only stop you if you are doing something unsafe." I began. "Remember, it's called the *Traffic Safety Act* for a reason. You won't be drinking and driving. You never speed. Just keep your seatbelt on and they can't do anything to you. Driving with, or without insurance, does not make you a *safer* driver. Well, um, say you DID have insurance, subconsciously you won't care how you drive, because SGI will cover for you."

I paused. “All those careless people. They leave their keys in their car. In their driveway, or wherever. When it gets stolen, SGI covers their loss. When you think about it, basically, your premiums pay for those retards to keep being retarded. They, in turn, get rewarded with new cars for being retarded.”

I continued. “Without insurance, you’ll be more, you know, mindful. Like subconsciously, you will probably drive more... saferly.” I grinned.

He grinned back. “That’s a good point.”

To this day I don’t even know why I decided to say anything, but I did. I said, “Grab your license. They probably want proof of ID when you pick up your package at Shopper’s.”

“But we will be travelling, bro. This is for driving. For vehicles bearing cargo. If I have this, they can stick me.”

I sighed. “You don’t have to be paranoid. If the cops do stop us, its your car. You’ll have state ID. You bought it legally from SGI. You even have the receipt and paperwork in the glovebox. Stop giving them more power than they have. I’m not scared of these people. Neither should you. Besides, what’s the worst that can happen?”

“Yeah, I guess. But, what about the licence plate?” he asked.

It was quickly becoming a repeat of my experiment. Only this time, we would use Jarvis’ car. He had not registered or paid for insurance from SGI. He simply drove it around town whenever he ran errands. We didn’t have a license plate that corresponded to the Celica. But we did have a license plate from an old Civic that I had planned to use as a parts car for my original test Civic. Maybe that was my mistake. Maybe we never should have put that license plate on the car.

We drove north along highway 11 past Blackstrap Lake. The sun felt warm through the windows. The day was turning into a perfect Saskatoon summer evening. It just so happened that our trip into the city coincided with Saskatoon Cruise weekend, an annual car exhibition. It was an annual event that had taken place for many years. It allowed people from across the province to travel to Saskatoon to show-off their prized automobiles. Little did we realize how many cars were converging on the city for the weekend. There were flashy cars, muscle cars, antique cars and brand-new cars. There were cars everywhere. So were the crowds of people and, not surprisingly, the police.

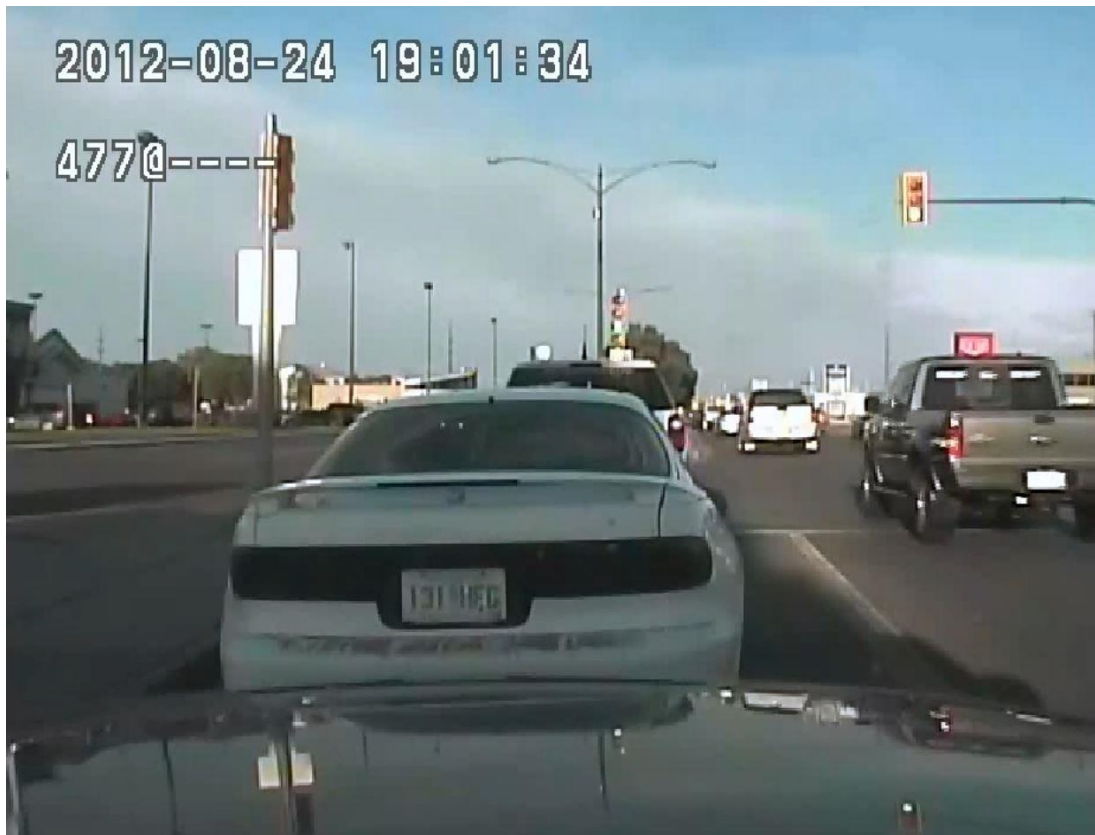
After a brief stop to see some friends, we made our way to Shopper’s. We came to a stop at the intersection of 8th St. East and Grosvenor. Jarvis’ recently purchased Toyota Celica was pointed eastbound, situated in the inside (3rd) lane, the well marked *left-hand turn lane*. We were specifically there to enter the mall parking lot from 8th street. As the lights changed to green, Jarvis waited for the cars opposite him to travel through the intersection, and then made a left, driving into Grosvenor Mall shopping plaza.

Grosvenor mall was your basic strip-mall style, city block arrangement of various shops, restaurants, and retail outlets. At the time, there was an Irish pub called McGuire’s, along with a shoe store, a place called Iron-Works gym, the Shopper’s Drug-mart and a few others. He then made a right, taking us closer to

Shopper's. Visually speaking, we were sandwiched between Grainfields restaurant and a (back then) Roger's Video store directly across from us.

Jarvis continued, turned, and parked in a stall right beside a small Ford or Hyundai 2-door hatchback. Two occupants were inside, one of whom appeared to be smoking a joint. I smiled to myself as we hadn't smoked any cannabis ourselves, nor had we brought any cannabis in the car. Fortuitously, in the previous days, we had given the car a good cleaning, both inside and out. Now, the Celica contained our cordless power-tools, and a small assortment of plumbing tools, which took up most of the room in the backseat. There was nothing illegal in the car. Not even simple contraband, like an old cannabis roach, empty beer cans or loose .22lr ammunition.

Upon stopping, I opened the passenger door and got out. Closing the door, I immediately noticed a big dark car – an unmarked police car, or 'ghost' car- directly adjacent to us. The front grill was equipped with a black bash-bar, complete with headlight protectors. Multiple red and blue lights flashed from its side mirrors and inside the front grill and windshield.



Was I seeing things? The ghost car was stopped at an awkward angle. Almost menacingly touching the rear bumper of Jarvis' white Celica. My smile quickly vanished. "Who is this guy- RCMP or city?" I immediately asked myself.

The car's presence startled me. *This is odd.* I did not hear any sirens or even a horn for that matter. I was surprised to see how close the ghost car parked to the Toyota.



The lone officer was seated behind the wheel. He was somewhat obscured from my vision due to the sunlight reflecting off the windshield and his dashboard equipment inside. I could see he wore black sunglasses and black gloves. As I walked away from Jarvis' Toyota, a loudspeaker from the car boomed, "**Get back in your car!**"

I walked a few more steps keeping my eyes trained on the ghost car. It was then I realized the man in the car was speaking to my brother. The way I saw it, I was under no obligation to do anything. I was merely riding shotgun in a car that was owned and paid for but using a different license plate. It did not have valid insurance certificates courtesy of the communist corporate monopoly known as Saskatchewan Government Insurance (SGI) Corporation.

What was the problem? What was the traffic safety infraction? We weren't speeding. The car wasn't falling apart or spewing smoke or oil. Having stepped past the unmarked cruiser, my vision shifted to Jarvis as he seemed to shake his head.

His lips moved and he simply said, "No".

Again, the loudspeaker boomed, but the voice seemed more urgent, almost menacing- "**Get back in your car... Now!**"

Jarvis then put his hands out in front of him, palms open. He didn't flinch. "Is there a problem, here?" He asked out loud.

As my brother spoke those words, instantly, the loudspeaker barked again, "**That's it-**" Only this time, however, the driver's door of the unmarked cruiser flew wide open, and the lone occupant sprang out. Slamming the car door behind him, he bolted directly at Jarvis, his head down.

The cop was a large, heavy-set man. Standing well over six feet tall, (later confirmed at 6'7") with his big, armoured vest and "Batman-like" utility-tool belt, he probably weighed 250lbs or more. His thick neck and face, adorned with black sunglasses, were clean shaven except for a small crop of black, military-styled, buzz-cut hair. He snarled something at my brother as he quickly closed the short distance between them.

I turned and shuffled awkwardly around the rear of this cop's car. His awkwardly positioned, lights flashing, tinted windows, unmarked cruiser. From there, I was in a location to view the Celica, the two strangers in their parked hatchback (the car my brother had just parked beside) and this cop's darkened Crown Victoria.

Standing there, facing my brother and the aggressive police officer, I tried to process what was happening. I feared the cop had obviously mistaken my brother for someone else- like maybe a suspect from another crime. A burst of thoughts popped into my mind. *Does the cop think the white Celica we were in, is a stolen car? Maybe he thinks we are a pair of car thieves? Or is he assuming we are drug dealers?*

To get a better idea, I have included pictures from the only video (zero audio) that was released to us. I used screen captures to better illustrate the parking lot. As you will see, the parked hatchback was now genuinely pinned into its parking stall- directly to the left of my brother's Celica. All courtesy of the aggressively parked cop car. The two young men sat inside, frozen.

The officer reached out and grabbed my brother. He somehow managed to get behind Jarvis and now held onto Jarvis' left arm, pulling it into Jarvis' back, completing the iconic arm-bar manoeuvre. Jarvis did not resist, the act resulting in the cop now forcibly keeping Jarvis in front of him, like a human shield.



“Woah! I immediately exclaimed. “Hey man! You can’t just do that!?!” I was incredulous. “You can’t just grab hold of people! That’s assault!” I could not believe my eyes. *Was this really happening?*”

I looked around the parking lot but quickly focused my attention back to the lone cop. I was beside the driver’s side of his ghost car now. I raised my voice in protest, “What’s the big idea? You can’t just grab hold of people! Y-You need to have a reason for this!”

The big Neanderthal-like cop in the black shirt, black bullet-proof vest, black pants, black sunglasses, black gloves, and black utility belt curled his upper lip and snarled at me, “Shut the fuck up, douche-bag.”

“Hey guy, take it easy! What’s your problem?” My brother objected, now unamused.

Here, in this Grosvenor Shopping Centre parking lot, in the middle of Saskatoon, in the middle of summer, in the middle of our quiet evening of celebrating Jarvis’ 34th birthday; my newfound knowledge and countless hours of research into the System felt like a noisy vortex swirling in my head. Things seemed to happen fast. Yet the air immediately felt thick and heavy. I felt slowed-down, like stuck in syrup. In hindsight, I can honestly say this was the paradigm shift for me. Regardless of how it ultimately manifested, it culminated that evening into something I simply refer to as ‘*The Incident*’.

Chapter 12 – The Incident

The cop was scuffling for position with my brother and now attempted to get hold of Jarvis' right arm.

“Hey, guy! Hey, take it easy, eh? What's this all about?” Jarvis asked, getting jostled around between the cars.

The cop, quite agitated and red-faced, growled. “Shut-up! Shut-the-fuck-up...”

He looked nervous. He was swaying on his feet. He kept ducking his chin. To me, he seemed to be whispering to Jarvis or speaking... to someone else. Was he talking to dispatch?

I felt calm but my adrenaline was quickly rising. Picture three grown men in a parking lot. Problem is, one of them thinks the other two are car thieves. Car thieves trafficking in narcotics. Except, it is only an assumption. He has no idea what their business is. Simply just an abstract suspicion. Perhaps due to his time in the field. His many years of experience. Maybe because he watches too much TV.

I sincerely believe, and there is probably a valid reason behind this, is that his actions were initiated because his unmarked police car was equipped with an automatic license plate reader (ALPR). It turns out, the cops can (and do!) scan peoples' license plates.

Anytime you are out *driving* your car, you are subject to getting scanned. Not with their own eyes, mind you, but with ALPR technologies. Technology that is capable of processing hundreds, if not thousands of license plate checks per minute. Tunnels, bridges, highways and of course borders, all have needs for this technology. You can be assured this technology was developed and utilized by the military for years before getting adopted by police forces.

Now, here we were in Saskatoon, and once he got the “BEEP-BEEP”, this cop had convinced himself we were bad guys. One beep means the car has passed. The papers and the people driving, are up-to-date and in place. While two beeps indicated an alert or alarm. I’m not an expert, but an alert could be issued for such things as missing insurance, registration, or possible stolen or mechanically unsafe car. Maybe the registered owner is a criminal behind the wheel with outstanding warrants.

So, I can only put the pieces together. I came to the conclusion that once he heard the beep-beep, he sprang into action. The way I see it, he was so convinced of our criminality, that he completely disregarded the agreed-upon-rules. The rules found specifically in The Police Act, the Traffic Safety Act and the Canadian Charter itself.

The power of arrest is a very powerful thing. Humans have been playing this game for 1000s of years. All our rules of law and codes of conduct have been set. We, as a society, understand there are rules for a reason. But the System allows cops to break the rules. Especially when it comes to criminal convictions.

The System wants you IN. The System needs you to be in the System. Not only do you then have a **record**, but once the System finds you guilty, the police become automatically justified in their behaviours and actions. Immune to any liabilities. Job well done, you caught the bad guys... Rules for me. That is how the System likes to play the game.

I told him he was making a mistake. I’ve experienced enough rough-stuff in my day to know this present situation was escalating and quickly turning hostile. My next thought was, “*This dude is serious. He’s capable of really hurting my brother here.*”

It’s not a crime to question the police. Not yet anyway. I told him he was out of line and out of his jurisdiction. This was a parking lot. We were parked. If something was important, he could have told us. Or he could have waited till we left the parking lot, effecting a traffic stop on the street, aka the highway. Simply put, just like the rules permit. Only if, and that is a big IF, he noticed a legitimate traffic-safety violation.

Traffic Safety Act - PART I **Short title and Interpretation**

Short title

1 - This Act may be cited as The Traffic Safety Act.

Interpretation

2(1) - In this Act:

(k) “highway” means a road, parkway, driveway, square or place designed and intended for or used by the general public for the passage of vehicles, but does not include any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area;

I would say the cop was aggressive and highly emotional. Or maybe he was caught off-guard because we stood our ground, so his demeanor changed. Either way, his bullying tactics didn't work on us. He was acting way outside of his role. To serve and protect? To keep the peace? To enforce traffic safety? Did he even know?

I fumed. I've always found it ironic how police are so incredibly impatient, yet they are getting paid to do what they do. Question them and their actions, ask them to explain themselves, and what do they do? They get angry. Indignant as well as irritated. They have such a short fuse when it comes to interacting with members of the public.

It was a parking lot stand-off. I pointed my right hand in his direction. "You can't just roll up on people like this." I stammered. "You can't yell obscenities at people and...and then, put them in cuffs. That is assault! What you are you doing is called assault. And you are out of your jurisdiction, not to mention your mind!"

I felt other sets of eyes. I looked around. There were people all along 8th Street, staring. I kept my distance from him, staying wide of his car. Grosvenor was a large parking lot, with a variety of stores. I remember asking him who he was, probably 10 times. What was his name and who did he work for? Was he Saskatoon city Police or RCMP? I tried to examine his uniform from my position, but with my brother in front of him, I could not discern his employer (It turns out the SPS have a vertical red-stripe on their pants while RCMP use gold/yellow).

I knew the Traffic Safety Act. I had read it. I had read it until I could not read the words anymore. I read it until my eyes hurt, and my head ached. I knew what powers the police had. I knew what the rules were. But this guy was acting way outside the rules.

As a child, I was thrilled to watch Hollywood *Westerns* with my grandparents. I remember the grizzled faces of John Wayne, Gary Cooper, Lee Marvin, Yule Brenner, and grandma's personal favorite, Jimmy Stewart. Many were black and white films. I was mesmerized by the mountain ranges and wide-open spaces. Galloping horses and smoking six-shooters. Cowboys and Indians. The good guys wore white hats. The bad guys always wore **Black**.

And here, in front of me, was one of them. He was a pirate operating on land. To put it bluntly, he was a Highwayman, dressed in black. **Black** pants, **Black** shirt, **Black** sunglasses, and **Black** boots. Even the unmarked car he was driving, looked black, but it could have been dark blue. My brother and the cop were now sandwiched between this informal trio of cars. The Celica, the hatchback and the unmarked-police car, its lights still flashing.

Jarvis kept his right arm out and away from the cop. I remembered my research about traffic safety. Rules and regulations about speeding, drunk driving and police roadblocks/check points swirled around inside my head. I knew the rules. I read the rule book. As a *driver*, I had to follow the rules. The same rules the cops had to follow. Or so I naively thought.

Cops cannot pull people over on a whim. Although, these days, they arrogantly think they can. The police still need a legitimate reason to pull you over. They are not entitled to make arbitrary decisions of their own liking. The police need a justification to affect a traffic stop. Offences such as speeding, drunk driving, erratic driving, typically referred to as 'stunting' are most common. Things of that nature.

Driving in a manner that would directly affect the safety/wellbeing of the vehicle being operated, potential pedestrians or other *drivers* on the road, is grounds for police intervention. Remember, when Siemens and Ens pulled me over, their justification was a safety violation. They did not see my seat belt properly equipped. So, they pulled me over.

Let me be clear, you cannot be pulled over by the cops without a legitimate, specific safety reason. But the reality is they certainly try! I can hear some of you objecting, “*Cops can do whatever they want! You have to obey their orders!*”

The police have the legal authority to pull you over, on a whim, you say? You mean to tell me, once they become cops, they are granted some magical powers? Where would that lead us? What would that say about Canada’s free and democratic society? The traffic rules were created in the name of safety. It’s ALL supposed to be about *safety*.

Don’t you realize by now that the System really *cares* about your safety? That’s why it’s called the **Traffic Safety Act**. It is a perfect example of state legislated, *Statute Law*. This is how the System introduces these interferences into your life. More shackles disguised as protections for your SAFETY and the SAFETY of others around you.

Hmmm, where have we heard that before?

This deception and wonderful sleight of hand between natural or common law and corporate or statute law is where the System truly excels. Before I go any further, let me explain a few things.

First, the cop should have only been interested in Jarvis’ car. If, and that’s a big if, the cop was acting as a Traffic Safety Offense officer. Or, he would deal directly with Jarvis, the alleged *driver* of the car. If this was a traffic stop, relating to specific traffic safety infractions, I would be left clear of his state-sponsored authoritative measures.

I wasn’t operating the vehicle. I did not need to show him my I.D. I was not a fare paying customer, known as a passenger. My brother wasn’t charging a fare and driving a bus. I was just a man riding shotgun. Further, the cop elected to attempt to make his stop in a parking lot. A parking lot is NOT a road or highway. Once the car was parked, we were under no obligation to do anything the cop said. We were not beholden to his commands. This was Canada. I still lived in a free country. Or so I thought. *Free country? Yeah, sure it is. After you pay for it.*

Based on this, only a legitimate safety concern, like stunting, speeding, driving under the influence of drugs or alcohol, or reckless driving, constituted a traffic safety offense. After my episode with Ens and Siemens, I had studied police powers and the power of arrest. I read about the laws of this country, legal authority and what constituted proper jurisdiction. I knew the history of police violence, use-of-force, excessive force, and a blatant disregard for due process. As far as I was concerned, cops had too much power, legitimately granted, implied or otherwise.

“*Papers, please. Let me see your papers...*” Isn’t that what the Nazi’s in WW2 or the Commies in China and Russia did? “*Papers, please.*” How many of you remember watching all those Hollywood movies showing some evil concentration camp or futuristic, heavy-handed, tyrannical, dystopian police state. Of

course, George Orwell's book, '1984' comes to mind. For a fleeting moment, in that parking lot, I had a troubling premonition about that infamous black boot of oppression.

Criminal Code of Canada
An Act respecting the Criminal Law

Short Title

1 This Act may be cited as the Criminal Code.

R.S., c. C-34, s. 1.

Interpretation

Definitions:

2 In this Act,

*highway means a road to which the **public has the right of access**, and includes bridges over which or tunnels through which a road passes;*

The stand-off continued for what seemed like an eternity. My mind was assessing the situation. *Maybe he thinks our car is stolen? Does he think we are running drugs? He obviously assumes we are 'bad guys' ... 'cuz he probably thinks he's the good guy.*

I took a breath. *There was nothing on us- no weed, no booze, no weapons, no contraband. He must assume we've stolen this car..?. Or he thinks we are using it to move drugs or stolen property..?* I took another deep breath and my head cleared.

It was Jarvis' birthday tomorrow and at that moment in time, the way I saw it, this power-tripping cop was ruining everything. All I wanted was to go into town, see some friends, eat dinner and go home. Now, here we were in this parking lot with what I perceived to be a hostile, mouth-breathing, knuckle-dragging ogre who was looking for any excuse to do physical harm to my brother.

I kept my distance because I had no idea what he was capable of. Would he smash my brother into the Celica? I've seen dash-camera videos of cops who drive people's faces into the windshields of their own cars. He looked all puffed up with his body armor and radio and utility belt full of pouches and his sidearm.

I objected to his interference in our life. We hadn't been drinking or speeding. Yet, he appeared convinced we were a pair of criminal thugs. I glared at him. *Look at this big stupid donkey*, I thought. *Saving the world, one ticket at a time...*

Nothing Jarvis or I said seemed to matter. I yelled at the cop to state his name, badge number, official title and business. He refused to identify himself or what he was doing. Forget listening. This cop was not even hearing. His mind had already been made up. In his view, we were criminals, acting criminally.

"You're under arrest!" the cop screamed.

I scoffed, “Wait! What? What’s he under arrest for!?!”

“Relax, James!” It was Jarvis again. “It’s cool. I got this.”

“Yeah!” The cop sneered at me.

“Jarvis?!” I exclaimed. “He can’t just do that! He can’t just grab you and say you’re under arrest for no reason!?” I felt as though I was reminding him about the powers of police and rules we had learned.

The cop barked at me again. “Shut the fuck-up!”

“Yes... I know!” Jarvis replied to me but grimaced with discomfort. People were gathering. Jarvis attempted to turn his head, to somehow address the cop. He painfully looked up again, to his left, took a breath, and asked, “Are you a police officer or a peace officer?”

The mood changed. The cop straightened up. Like someone had poured cold water down his back. “I.. uh, I’m ah, a Peace officer!” He blurted out, seemingly gaining some forgotten confidence. I saw his shoulders flex and Jarvis instantly flinched.

Jarvis tried in vain to look at the man who now held him hostage. “Okay.” He took a breath. “So... Are you a- a peace officer serving my best interests?”

That puff of newfound confidence instantly vanished from the cop. His demeanor changed. He paused and stuttered. “Uh, well... Yes. Yes, I am.”

“Okay then,” Jarvis took another breath, and found his composure. “Mr. Peace Officer, how have you observed me breach the peace!?”

The cop froze and went silent. His face turned a different shade of red. I noticed Jarvis grimace as the man in the uniform shifted his weight. I could tell the cop was using his height and weight as physical leverage for control over my brother. Now he was at a loss for words.

Jarvis sensed the delay and inquired again, only this time there was palpable impatience in his voice. He was deliberate with his words, “HOW have you OBSERVED me BREACH the PEACE!?”

“I..uh, You-..” Saliva seemed to form at the sides of the cop’s mouth. He looked around and his shoulders slouched for a second before he regained his hostile composure. “Shut up! Shut the fuck-up! That’s enough!” His jaw rolled and his head bobbed around on his shoulders.

I squinted. *Wait. Did he...? Was he... talking? Did he just call... for backup?*

I looked right at him. “Hey, did... Did you just call for back-up?!”

It was as if he smirked at me from behind those black sunglasses. Though I could not see his eyes.

At that moment, it was like someone hit a ‘real-life’ pause button at the scene. Like a cage was left open and the circus lion was now missing. Things went quiet. Like if the wind stopped, trapping birds like they were frozen in time. The hair on my neck stood up.

I heard the faint sound of a siren. Was that for me? Instinctively, I turned my head to the sound. The siren wailed and got louder. *It’s not far away* ... Then I heard another siren. This from behind, to the east. Then another siren ... And what seemed like another... My ears filled with blood.

Nervously, I blurted out, “Hey! Uh, you called back-up... Didn’t you?!”

The cop tucked his chin and now I clearly saw him speak into his shoulder radio/microphone. The wind returned with a whoosh and time unfroze. Before I knew it, sirens were coming from all directions-closing fast.

Jarvis was now wide-eyed, “Go to Shoppers bro!” He exclaimed. “Go and find somebody! Call a supervisor or 9-1-1! This guy is out-of-fucking-control! Just... Go! Get- go to Shoppers... get help.”

My feet felt like I had stepped in wet cement. I looked around. People were everywhere.

“*Yeah, okay. Good idea.*” I thought.

Immediately, I turned away to make tracks to Shopper’s. I had not gone three steps before I heard the cop scream- “Get the FUUCK BAAAACK HEEEEEEERE!!!”

I stopped and whirled around. I looked directly at Jarvis, incredulous. I shrugged my shoulders and held my hands out, as if to say, “*Any other bright ideas?!*”

The energy was increasing. I focused back to this man in black. He was scowling, but I saw the hint of a sinister smile. Now all I could hear were sirens. Loud sirens. Many sirens. Coming from everywhere. Looking west, at the far end of the parking lot, near a tire service shop, I saw a white, marked police car with its emergency lights flashing. It quickly entered the mall parking lot near the Maguires Pub & ‘Off-Sales’ (It since changed to the Thirsty Scholar).

I glared back at the officer, he grinned at me. *He’s the little boy who cried wolf*, I thought to myself.

On this warm August evening under the fading Saskatoon summer sun, at the start of Cruise Weekend, in front of many witnesses, I got my not-so-formal introduction to Constable Gordon James (Jay) Keating, Badge #738, who drove the first unmarked traffic car #477.

I heard noise behind me and coming from the east. A dark unmarked car with its lights flashing and sirens screaming came blazing into the Grosvenor/8th St. intersection. I looked at Keating. I tried to look right through him. I saw his big head and red face. I saw his black sunglasses and shook my head in disgust.

The parking lot was now a flurry of activity. All seemingly converging on my brother and I. There was nowhere to go. Where should I go? I did nothing wrong. Yet, here I was, like a broken-legged water buffalo, and the lions, hyenas and vultures all smelled my blood. I did a quick 360. I saw nothing but

lights and heard sirens. The cavalry had truly arrived. I counted four cop cars incoming, so Keating's made five.

Incredulous, I put my hands in the air. "Here come the heroes!" I sarcastically exclaimed, pretending to enlighten the gathering crowds. Seconds later, that unmarked black car with sirens wailing and front grill lights flashing seemed to glide right through the 8th St intersection on a cushion of air. It jumped across the sidewalk and somehow bounced over the parking lot curbs.

This dark, unmarked cruiser moved fast, coming directly in my direction. I couldn't see through the windows. It approached me like it was accelerating. *He's going too fast*, I thought. The fully loaded cruiser with cattle-guard bumper violently bounced up and down after deflecting over the parking lot curb. Its engine roared. The dark car seemed to swell up. Rising off the pavement, pouncing at me, like a black cat.

My instincts took over. I twisted, somehow turning my body to get away from the car. I kicked out my legs and threw my hands to my sides and somehow, I don't even know how- I kept my balance and stayed on my feet.

The unmarked car then screeched to an awkward and very abrupt stop. It felt like mere inches from me. With my fingers nearly touching the front bumper, I could see through the front windshield. I saw a look of shock (or surprise?) on the two officers' faces. But it instantly changed to anger. The two men wearing their **black** uniforms opened their car doors almost simultaneously.

I held my hands out, showing them my palms. Before I could say or do anything, I heard Keating scream, "Take him down!"

My head instantly snapped back around to Keating, "Scuse me?!" I chirped, incredulous.

This first pair of associates who arrived at the scene were Constables Brad McAvoy (badge #680), and Vincent Schaefer (#555), driver of this unmarked traffic car, vehicle # **474**. They ran towards me. Behind them, a loud, streaming cohort of additional personnel from the Saskatoon Police Service (SPS) quickly arrived in the parking lot to provide reinforcements.

Chapter 13 – Face, meet Pavement

What would be wrong with just telling me to freeze? I'm standing in a parking lot. Why did he feel the need to order them to take me down?

I tried getting another look at Keating but heavy footsteps closed fast. I whirled around.

A new voice yelled, “Get on the ground!” The small, troll-like officer was the closest to me. He wasn’t interested in listening. The tone of his voice told me his ears were already turned off. I would later learn this man to be constable Brad McAvoy.

The other man, Constable Vincent Schaefer, exclaimed, “You get ground! Now!”

They were on me in seconds. McAvoy lunged, grabbing onto my right arm with one hand and the back of my neck with his other.

“Wait! Guys! G-Guys! This isn’t necess—ary...” but it was too late.

I was in their grasp. They were hostile and yelling various things. Around me, sirens wailed. Cop cars began arriving, carrying with them more cops. The noise of sirens and people seemed to scream at me from every direction. I did what anyone would do when two grown men run up and grab you. I braced myself! I did not want to be pile-driven into the pavement face first.

I didn’t throw a punch or strike either of them. I merely stood on my feet. It wasn’t easy, mind you! I must have delayed my tackling long enough to trigger the now impatient Keating. “Take him down, NOW!” he seemed to scold them.

It was all I could do to stay on my feet and steady myself, trying to keep my balance. I was being man-handled by two grown men.

'This is crazy!' I thought.

The second officer, Schaefer, grabbed hold of my left arm and tried to put his left leg between my legs.

I tucked my elbows and opened my hands around my head. I didn't want to get punched, but I didn't want my arms out in front of me so I could be pulled off balance. "Guys! This isn't necessary! Woah! Guys!" I was anxious. *'What now? Do I grab onto them for balance? Should I fight back?'*

Thankfully, the hoody I was wearing was loose and only partially zipped up. I was taller than the pair of them. My mind raced. My adrenaline now surged. I could feel McAvoy's gloved fingers gripping my neck. My mind raced, *'Just like a boxer, keep your guard up...hands up...chin tucked. Don't let them jersey you with your own hoody'*.

McAvoy forcibly grabbed my right upper arm. I flexed and hunched my shoulders and tucked my right elbow into my side. They were now trying to get a better grip on me. I was not a skinny guy. Being a high-school and college athlete, I had worked out much of my life and had an interest in health and fitness.

They then attempted to sweep my feet out from underneath me. I had shorts on and was wearing a ball cap with sunglasses on top. Not for much longer. Conveniently for me, they inadvertently worked against each other. The three of us shuffled about like a bad beginner's dance class. I widened my stance and braced myself against their aggressive tactics.

Looking back, I felt like the sofa in the skit about the office movers. The sofa has gotten stuck in the middle of the office doorway, with them inside the office. They need to get the sofa out of the office. As office workers arrive, they offer to lend a hand. But after five minutes of struggling with the big piece of furniture, the people on the outside of the office ask the movers struggling on the inside, "Wait, are you trying to get the sofa into the office or out?"

Awkwardly, these two cops comically succeeded in keeping me upright. I think I just tried to maintain my balance from an athletic - even instinctual perspective. I was in the middle of a parking lot. With shorts on. I did not want to be thrown onto the pavement because someone just decides it's in their best interest. This is how people get hurt. They could have told me to freeze and not move. Or asked me questions like we were all adults.

They tried pulling my arms out away from my body. I made two fists and curled my arms back into my chest. I guess you could say I'm a strong guy. They began to swear at me. Why do cops think it is okay to use profanity at people they don't even know? Have any of these people taken any kind of customer service course or sensitivity training? I tucked my chin into my chest. I wasn't sure what would come next.

Through it all, I attempted to reason with the men, as I did not understand why they were attacking me and trying to force me to the pavement. For a moment, it appeared to be a stalemate. I wasn't going to be pulled down by these two men.

And that's when I got body-checked hard from behind by a third person that I never saw. I was forced to the pavement. I assumed it to be Keating. Thankfully, I had just tensed my body and tucked my chin, so my neck didn't snap back from the force. I thought about a falling tree. I was being driven to the ground, face first.

They had my arms. My only salvation was to protect myself with my legs/knees. My legs buckled from the blow and my knees went into the pavement. I re-imagined being a kid again, falling off my BMX bike. As one of them still had my head and neck, the force of the body-check impact basically tore me from their grasp and knocked me off-balance. With my knees taking the initial impact, they acted like a pivot for the rest of my body.

I didn't feel myself falling. It was more like watching the ground quickly sweep up, to gobsmack me in the face. I partially got my left hand up before I felt the hard pavement slam into my left cheekbone with a slap.

"Ugh!" I let out a gasp as one or two of the men cushioned their fall using my head and chest.

The air rushed out from my lungs. I was flat on my stomach, the left side of my face pinned down by a boot or fist. I was twisted, grabbed, punched, and kicked, kned to my upper torso and head while insults from multiple voices were yelled in my ears.

My right arm was forced behind my back and my left hand was held flat, palm down, on the warm pavement beside my head. My entire left arm, from the shoulder down, was pinned, immovable by one or more people. I felt someone drive their knee or fist into my upper back, between my shoulder blades.

A cop grabbed my left arm and pinned it to the ground, palm down. One cop grabbed my right arm, twisted it, forcing my right hand into my lower back. There he and/or another cop tightly cinched a handcuff to that wrist. A third cop increased the pressure right between my shoulder blades. One cop demanded that I quit resisting as he lifted-up on my right elbow. I felt another person grab at my ankles and pin them under their bodyweight.

However, because another cop was kneeling/standing on my back, and my left cheek was planted firmly onto the pavement, my right shoulder got bent back, causing great pain to my right shoulder socket. The pain was so bad I involuntarily squirmed, moving my hips and sliding my feet sideways.

"Stop fucking kicking!" I heard a voice say.

This was followed by punches to my midsection and lower back.

"Get your hands behind your back!" Screamed another.

"Do it! Do what you're fucking told!" Said a third.

I was covered in cops. The person grabbing my ankles pushed them back on the pavement, giving my feet a nice little twist before planting my left ankle bone painfully into the asphalt. I attempted to explain to

the men that I could not physically do what they were asking. I could feel my face getting hot and knew it was more than the pavement. I was in *fight-or flight-response*, but could do neither.

I figured I was probably bleeding now from my cheekbone, but I had no way of touching my face. It's hard to breath when you are lying flat, face down on the pavement. Nearly impossible when someone is sitting on top of you, compressing your chest. Easy to exhale, very difficult to inhale.

“Do it now!”

I could barely get my wind back from being pile-driven into the parking lot. *These people are animals.* I took as deep a breath as I could and yelled, "I can't! I can't do that!"

For a moment everything just stopped. I felt them all relax. It was like they all looked at each other and then collectively realised what they were doing to me at the same time. Like the proverbial penny dropping. Or the light bulb going on. At that moment, just before the car sirens returned to life, and the noises came rushing back, and I caught my breath. I'm pretty sure one of them said, “Hey-Wait... He's right.”

And whoever it was that was on my back proceeded to grab my face from the top of my forehead and right ear. They lifted my head like it was a bowling ball. “Here” someone snarled.

‘Yeah.’ said another voice.

My left hand and elbow were picked up, twisted and hastily turned, then swept behind my back. The man with control of my head -via my ears- abruptly re-positioned me, and smashed my face down into the pavement, as if the first time just didn't seem nearly good enough.

I felt a sharp pain and I heard a popping sound. I yelped. I saw stars. My ears started ringing. Things went totally blurry for a few moments. My eyes watered. My nose felt like bees were in my nostrils. Blood ran into my throat. Now my nose was bearing the brunt of this man's body weight and my mouth was filling with blood. I tried to take a breath. The cop held my head like he was trying to push a broken tent peg into a rock.

The front of my face felt like it flattened. I could feel blood running from inside my nose. It ran over my tongue, I couldn't swallow and reflexively gagged. Then I reflexively coughed. Except, with blood in my mouth and coming out my nose, and a cop sitting on my chest, I couldn't breathe. I was surrounded by cops. The man with control of my head wouldn't stop pushing my face into the pavement.

Feeling helpless, I couldn't squirm away from the incredible pain he was creating. I desperately tried to catch my breath. Everything now sounded as though I had a bucket stuck on my head. It was here they clasped my left wrist with the handcuffs.

After I was handcuffed, somebody cinched the cuffs again. This time, so tightly, they instantly cut the skin on my right wrist. They let go of my head. Whoever was on me, was now off. I felt eyes scanning me. I felt bodies standing up. I took a breath like I'd just been pulled out of the ocean.

Blood was streaming from inside my nose, and I thought it may have been broken. I ran my tongue around my mouth to make sure my teeth were intact. One of the cops grabbed the chain between my handcuffs and twisted the cuffs. It was like he was making his point or maybe looking for a physical response. Maybe he was just tormenting me. I tried to lift my face off my smashed cheek to lessen the pain. All I saw were black boots and black pant legs.

I hoped people had their phones out. I prayed someone would step forward. I was somewhere behind Keating's ghost car and in front of McAvoy's ghost car. My heart and mind raced. I winced from the pain. I was now really starting to sweat from the violent activity and subsequent adrenaline rush. I have to admit, it was traumatic. I had never been beat-up by a group before, let alone a group of cops.

I cannot tell you what it was like being handcuffed and lying there. Right in the middle of the scene of the crime. Except, I hadn't committed a crime. But now, I was a victim of one. A calmness came over me. I thought about all the video evidence that would come from these cars. Maybe some witnesses would leave their names and could help me piece together what happened. The police video camera microphones would capture what was said and who said it. I thought about the two people still in the hatchback beside us, and all the people around. I thought about how safe I was. Like nothing else could possibly happen to me now.

However, my thoughts were interrupted by the man who had played with my handcuffs, or maybe someone else. Whoever it was, they grabbed the chains between my handcuffs and proceeded to lift up. By lifting, he began to transfer all my body weight across my upper back and shoulder blades. It was as though he wanted to see which arm would come out of its socket first. The pain was unreal.

I tried to interject but he didn't stop. Just slowly lifting. I changed my tone. "Uh... um, I...Hey.. that hurts...Ow! What the fuck. Dude!?"

No one said anything. Whoever was doing it didn't say anything either, they just kept lifting me up by the handcuffs.

This was crazy, I thought. I haven't...I didn't even do anything!

Lifting. The pain increased. I felt my weight come off the ground and then a white flash of pain hit me. I screamed, "Jesus Christ! You're going to break my arms!!" Instantly, the person released the cuffs from his grasp. My hands slapped back down.

I was prone and handcuffed, face down on the ground and had not resisted at any time... My nose was still bleeding. I choked and tried to breathe through my mouth. My face was now hot and felt like a sticky film had been plastered onto it. I realized I was bleeding from multiple cuts to my nose, face and possibly head.

I heard muffled voices through my now ringing ears. I took short breaths only because I couldn't inhale due to the blood running from inside my nose which was now pooling around my mouth.

"Great, they gonna drown me in my own blood..."

Instinctively, I spit the blood from my mouth and attempted to calm my breathing. I sighed.

Seconds later, another man (Same man?) proceeded to kneel his entire body weight on my left ear. In doing so, he crushed my right ear into the pavement, creating an even greater, more powerful ringing sensation in my head. It was excruciatingly painful and disorienting. Reflexively I squirmed again in pain as I heard him say, “How’d ya like that, ya fucking douchebag?”

I couldn’t believe this was happening. *He actually called me a fucking douche-bag.* Was it Keating? Is that what they typically say to everyone they interact with? My vision blurred but I could make out silhouettes. Black silhouettes. I asked people to identify themselves. No one identified themselves. I asked for names. No one told me their names. I never got a good look at anyone, their badges or badge numbers. Just black boots and black pantlegs.

My head was throbbing, my nose and face were bleeding, and my ears were ringing. I felt dizzy and nauseated. Gloved hands aggressively grabbed my shoulders. Other hands went into my pockets. They rolled me onto my left side, I felt my pockets being pulled out. Then the same to my right. Wallet, keys, cellphone, all taken from me.

At some point they stood me up and I was half-carried, half-dragged and half-thrown into the backseat of a waiting, marked SPS car. I gathered up my legs just in time before they slammed the door. Here I was, in the backseat and the blood was still running from my nose. My cheeks felt like static electricity and a beehive was lodged in my nose. I was 38 years old- and this was my first time in the back of a cop car! And I can honestly say, *I dindu nuthin’...*

Sirens had all been turned off and it felt eerily quiet in the car. I was having trouble breathing and didn’t want to swallow any more blood. With my hands now tight behind my back, I had no way of sitting comfortably in the smooth plastic back seat of the cruiser. I desperately wanted to touch my face. I attempted to look in the rear-view mirror, but the Plexiglas partition was scratched and faded. All I saw was dark blood on my face, obscuring my injuries.

My hat and sunglasses were long gone. Same with my wallet and cell phone. I experienced a dull thumping pain in my head and small bouts of acute pain in my shoulders, arms and face. My ears rang out and I could feel my left cheek swelling up, under my eye. My right ear was basically singing a symphony. I tried to rub it with my shoulder, a fruitless endeavour. I could only breathe from my mouth, as blood was still dripping from both nostrils. A bag of frozen peas danced in my head. I sighed and leaned forward, trying to find my balance with my cuffed hands. I watched a red puddle grow between my sneakers.

Soon, Keating showed up and crouched beside the cop car at the left rear passenger window. He told me I was under arrest and demanded that I identify myself. He still had his sunglasses on. He didn’t tell me what was going on, or who he was. He never said why I was taken down or what reason I had been arrested for. He never told me his reasons for putting his hands on my brother. I did my best to study his face.

I remember just looking at him. Observing this man. I was convinced he was the one who body-slammed into me from behind, while I was entwined with Schaefer and McAvoy, knocking me to the ground. He never said why I was under arrest. He just told me I was “*under arrest*” and I needed to give him my name.

How is this acceptable in any other field or work environment? There are rules, ffs. Who he is, who he works for and why he is stopping me. What evidence or reasons does he have to believe he must now interfere in my life? What harm or loss am I causing? What crime(s) were my brother and I committing?

After physically assaulting me- to the point where I have blood coming out of multiple areas of my face, he can't even ask me how I'm doing? Or what his reasons and concerns are? He's been handing out orders, calling for backup and is 100% responsible for what the situation has become, but he won't tell me what is going on? And he actually THINKS I have to provide him with my name.

I sighed. "How 'bout we start with your name, asshole."

He ignored me and continued, "What's your name? Give me your name. I'm not going to ask you again. What's your name, buddy?!" (*Why do cops think they are your buddy?*)

He seemed aggressive and belligerent. Was he angry or embarrassed? Probably both.

I just stared at him. I could feel the blood from my nose running over my lips. I felt my left eye twitching, and knew my cheek had suffered damage. My silent treatment seemed to only annoy him. There were cops everywhere. There were people everywhere. I tried to study him. Tried to survey the parking lot scene. I tried to take it all in. He must have seen my eyes wandering.

"You're under arrest, so what's your fucking name?"

Sigh. Right there, at that moment, that's when it hit me. Looking through the window of that cop car with the plastic seat that smelled like bleach and vomit, between the ringing in my ears and the bees in my nose and my aching face and body, is when I lost any remaining shred of respect and patience for these people. The System. Traffic safety. The absurdity of it all. I finally had enough of this power-tripping, megalomaniac, wanna-be hero, still glaring at me from behind his black sunglasses. The *good* guy?

I took a deep breath through my mouth and let him have it with both lungs. "You want my name?!? My fucking name?! You see what you did to my face, you stupid fuck?! Do you see what you did?!?"

My heart rate soared. I felt warm blood surge out of my nose again.

"You wanna know MY name?!? My name? Fff-fuck you!" I roared. Blood splattered onto the inside of the car window. "Fuck you, you fucking-cocksucker! You spineless faggot!? What's yours? Start there, you fuck! What's your name?!" Blood and spittle peppered the glass, I reloaded.

"What's your badge number? What's your name? I'm under arrest and now you want my name?! We're a little late for that now, aren't we!? You f-f-fucking idiot! Get f-fucked! You ain't getting my name! So go f-f-fuck yourself!" (*I probably called him a cocksucker once, or twice more.*)

His jaw dropped. I'm sure his eyes were as big as golf balls behind those black sunglasses. Immediately, he stood up and walked back to the group of cops now gathering around the Celica.

I fumed. *What a coward.*

I looked around as best I could from the confines of the cop car. No sign of Jarvis. They must have put him in a car, too. Damp sweat now held my t-shirt to my back. I did my best to adjust my hoody since it was fully unzipped and hanging off my shoulders. Being handcuffed was becoming increasingly aggravating.

I could see them discussing things amongst themselves. Cops with their black gloves were pointing in different directions. Another had his black flash-light out, searching inside the Celica- its rear hatch was now open, along with both doors. They were obviously interested in the contents of the car. Keating was clearly focused on the car. I couldn't see Jarvis. I scanned the parking lot. Cops and cop cars. Everywhere. There must have been 5 or 6 cops all huddled around the Celica and more cops scattered throughout the parking lot.





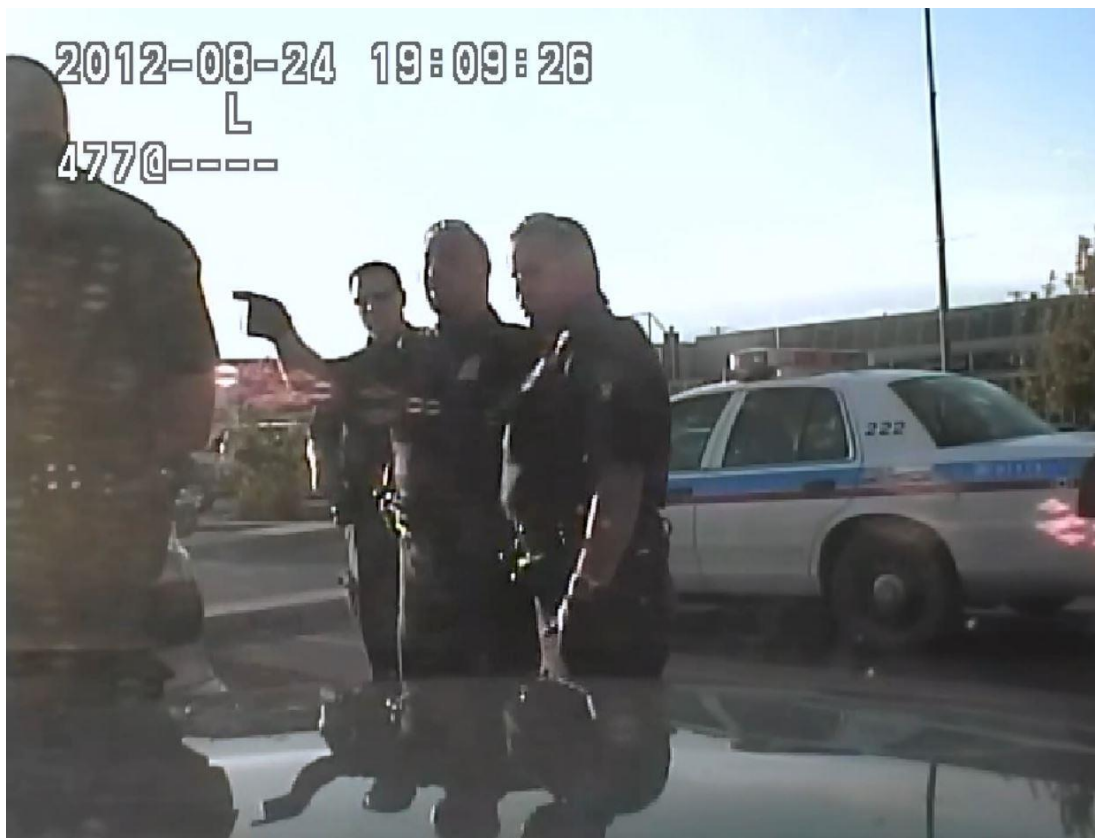
“Hey! Hey, big guy!” I hollered from the back seat. Keating’s ears perked and I knew I had his attention. I pressed myself against the window, smearing blood. “You’re a fucking legend!” I bellowed.

He turned his head and looked up from his dealings with the other officers. All were now noticeably anxious. He attempted to flash a sarcastic smile back at me. “Thanks!”

“Ha!” I snorted and hollered again, “In your own fucking mind!”

He frowned and went back to whatever he was doing with the others. I smiled. Satisfied with myself for not backing down, I did my best to get comfortable. I don’t know if you’ve ever been in the back of a police car, but the seat is hard, smooth plastic. With your hands forced behind your back, it is not easy to maintain a normal posture. I did my best to relax and waited.

After a brief time, another policeman, a short, dark-haired officer with black gloves and black sunglasses, (now known to me as Constable Aaron Smith) got in the driver's seat. He, too, refused to identify himself. It was a rather emotional and frantic situation that I now felt myself in. I had never been beaten, detained, handcuffed, and left helpless in a car. I was angry, frustrated and now felt a bit apprehensive.





Constable Smith made eye contact through his rear-view mirror and asked me for my name. I asked him what his was. He asked me my name, again, and it began to feel like some childish playground game of tag. I wasn't having any of it.

"My name!? What's yours? I'm the one *supposedly* under arrest, asshole. You know, right to remain silent? For fuck-sakes, are all you cops as stupid as The Legend over there?" I nodded my head towards Keating and his posse.

He frowned. His eyes shifted from me in the mirror to the group of cops. He was unsure what to do next. There were people everywhere now, cops and civilians. I scanned the parking lot from the backseat of the cop car. People were watching me. Some were smiling or were they laughing? An older man seemed to be enjoying the excitement. I made eye contact. He smiled at me and waved.

Constable Smith didn't know what to do. He yelled out to the small pack of officers still occupied with the Celica, "He- He won't tell me his name. Uh, what... What should I do with him?"

Keating didn't even look up from the wide-open rear hatch of the Celica. His lips were pursed like he was deep in thought. I sensed he was upset at being interrupted from something more important. The rest of the officers collectively paused and seemed to wait for Keating's reply.

"Get him the fuck-outta-here!" He snarled.



Chapter 14 – Sally Port

Upon being driven from the scene, a black unmarked car followed Smith's marked car out of the parking lot. This 'pick-car' was a dark/black ghost car. It trailed me as a deliberate way to create a barrier. Should Smith's car, which I was now unlawfully confined inside, be likely to stop at any intersections along the way to the station, it would better prevent motorists from seeing my bloody face.

Also, as sinister as it sounds, the 'pick-car' could allow the driver of my car some extra distance to make brake checks or drive erratically around corners, whereby I would be tossed around the smooth plastic rear seat without the luxury of free-hands or a seatbelt to secure me. On at least one occasion, Smith came to an abrupt stop, allowing my momentum to forcefully slam me into the clear plastic partition (silent patrolman) which separated the front and rear seats. With my hands firmly behind my back, my face made contact with this plastic 'safety' barrier. I heard him notify dispatch I was banging my own face against the plastic.

I probably asked this cop for his name enough times to know that he was refusing to identify himself on principle alone. Which was no principle at all. These people are required to identify themselves by name or badge number. None of this situation was the least bit acceptable. Needless-to-say, I was basically furious with the entire exercise.

Upon entering the sally port under the station on 4th Ave (*SPS headquarters later moved to 22nd Ave, once the new construction was completed around late 2014*), we came to a stop near an elevator door. Due to the excitement of the parking-lot incident, as well as the physicality of the altercation- my adrenaline response had caused me to sweat. With my hoody still on and my entire body feeling the effects of the beating I endured, along with my increased heart rate, which was now starting to run even higher, I was now quite sweaty under my thick hoody. I felt my t-shirt damp against my skin.

An older officer, who I recognize from a SPS recruitment poster erected on 4th St, took up position at the rear of Smith's cruiser and leaned onto the trunk. He took a good, long look at me. He had been driving the unmarked (pick) car. He then proceeded to start asking me a variety of questions, including "What's your name? What were you doing tonight?"



I asked him what his name was. He refused to answer. In fact, he flat out ignored me and just continued with his impromptu interrogation. He, in-turn, asked more questions, like, 'What drugs' I was using. How long had I been using? Where did I get my drugs? He was convinced I was a drug addict or dealer. His unemotional demeanor appeared to me as if he talked to people with smashed, bloody faces on a regular basis.

After ignoring me for awhile, a few other cops soon appeared. He asked, again, "What drugs are you on? What drugs have you done today?"

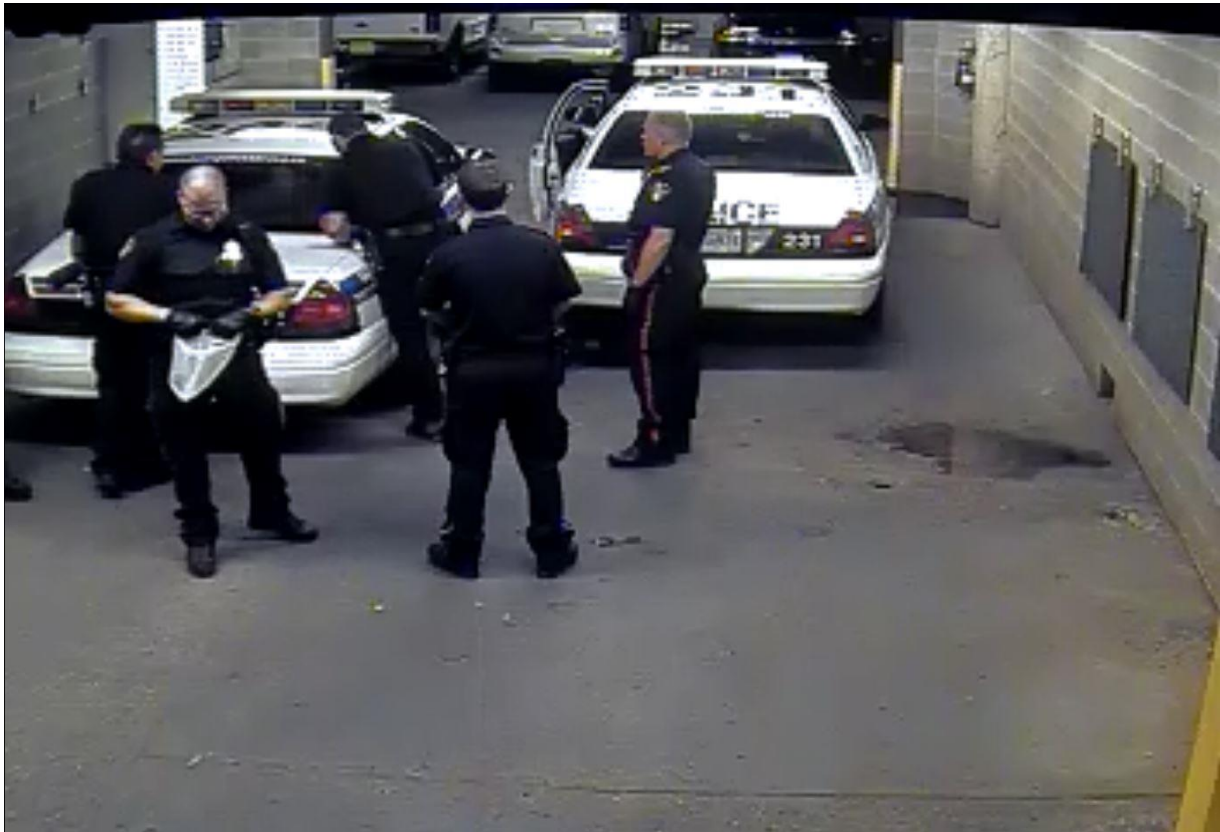
Here I am, handcuffed and hurting in the back of a police car, in the basement of what appears to be the police station, being questioned by police armed with tasers, guns, asps/night sticks, gloves, bullet proof vests and chemical spray. Yet, I still have no idea what I've actually done or what I'm being charged with.

The blood was increasingly irritating my smashed face. I took a long look at the cop. I studied his face and calmly replied, "I'm high on life, broh. I overdosed on sunshine and fresh air. So, you got a name or a badge number there, big guy?"

It now seemed there were cops everywhere standing around Smith's marked cruiser. Being stuck in the back seat, they all looked bigger with their vests and Bat-man utility belts on. No one would identify themselves. They assembled what seemed like 10 men around my police car. Amongst them, a brute of a man showed up. He was a serious MF'er, I can tell you that right now.







He had black/blue combat pants on and a thigh holster for his semi-automatic pistol. I attempted to come to an agreement with this giant of a man who had a shaved head, similar to mine. I explained that I was an honourable man of honourable intentions. I told him that I was not stupid. I agreed to co-operate if he agreed not to beat me up. I told him I did not want to get beat up anymore. I told him I would listen to him and do what he said.

He too, would not divulge his name or his badge number. I named him GI Joe.

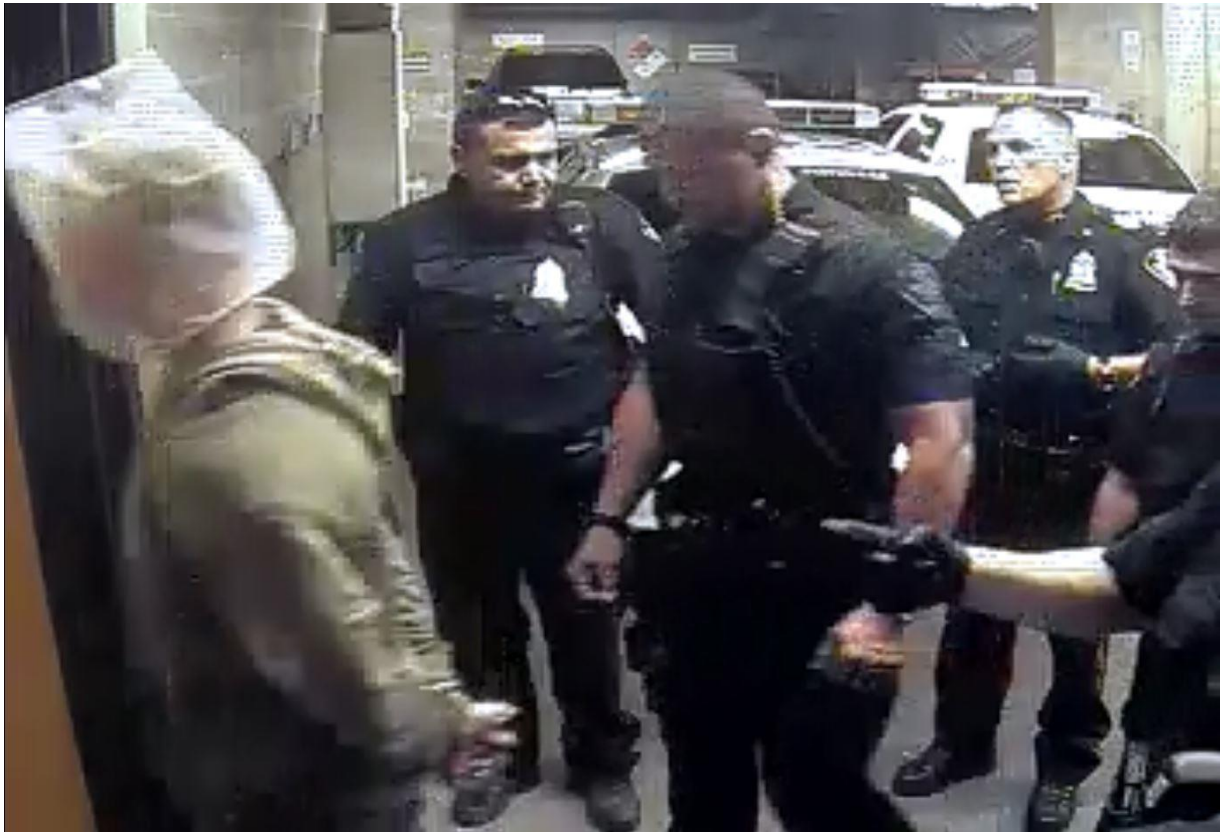
He asked me if I would co-operate. I told GI Joe I would be on my 'best behaviour'.



Before I was let out, another cop, a man I had never seen before, told me I had to put a bag on my head. I did not want to do this.

Another man, with a greying buzzcut, then berated me and called me a 'fucking idiot' and, "I'd better put the effing sock on my head, if I knew what was good for me." (except he didn't say *effing*...)

Well, I don't know about you, but I had no idea if there were cameras down in that garage area or if I could have been physically removed by force and had my ass kicked some more. What would you do? I took one last look at GI Joe and the group of angry men surrounding the car and decided I would choose the bag over my head instead of another beating.





One of the officers then placed this mesh bag (which they called a spit-sock) over my head. They let me out of the car, still handcuffed, and nervously escorted me to an elevator. As I entered the elevator, I spied a dark glass orb, (hopefully a video camera!) in the top corner. Before I knew it, I was pushed away from the camera, up against the inside of the elevator by GI Joe, and they squeezed in behind me; spit-sock, handcuffs, smashed face, bloody-nose, bullet-proof vests and all...

Chapter 15 – Booking Desk

The elevator went up. Moments later, the doors opened and I was brought through to an area bordered by steel bars. I was positioned in front of a large countertop where several people, including a woman who refused to identify herself, were stationed.

There were now five or six police officers spread out, each taking positions around me. More officers stood behind the SPS HQ: Booking desk. A sign affixed to the booking desk stated: “*All activities in this area are subject to video monitoring and recording*”. There was palpable apprehension in the air. Cops would come and go, taking different positions around me. Oddly, they would switch places. They seemed to move around behind me like practicing a sporting play.

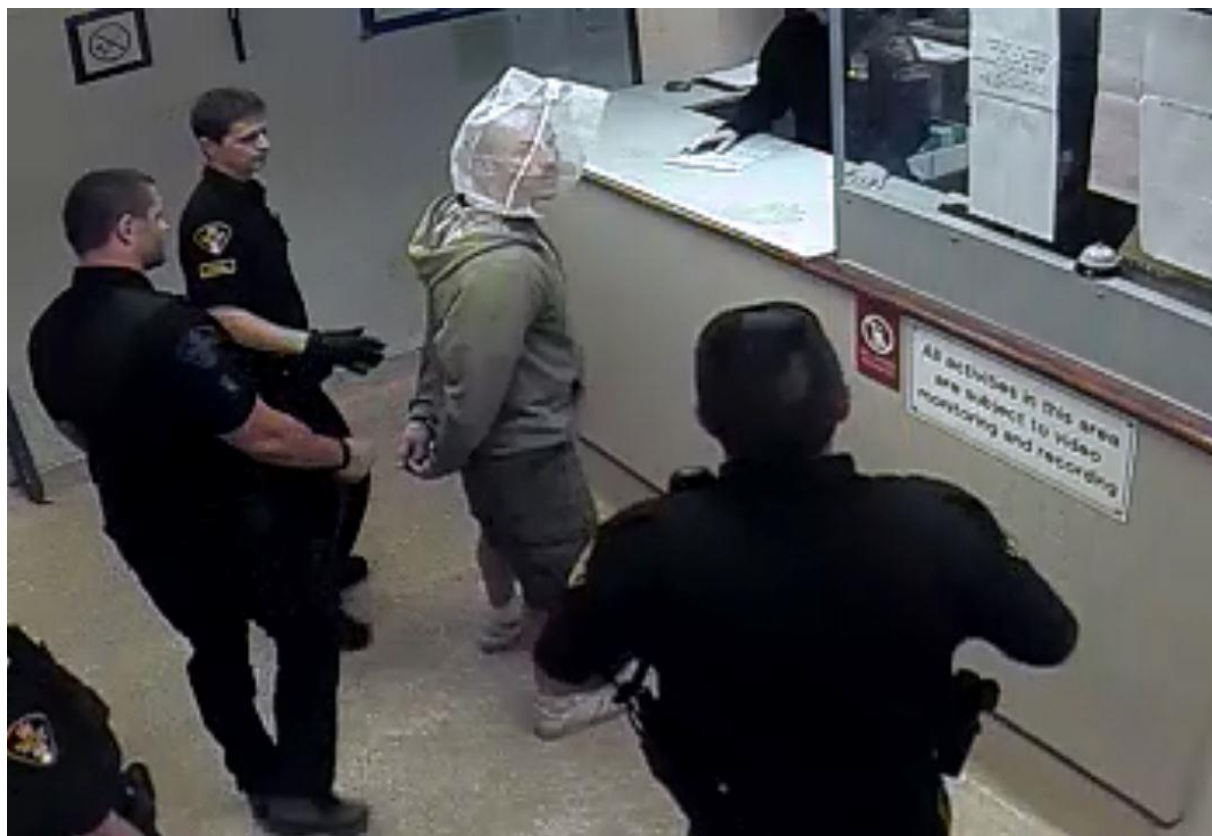
For what purpose I am not sure. Just another attempt to show force? To intimidate me? Were they bored? Did they need something to do? At one point it seemed to me as though they were practising for me to magically turn into John Wick or something. Pull an RPG from my bullet-proof hoody...

It was like they didn't know what kind of a criminal I was. A murderer? A thief? A drug dealer? Maybe I was dangerous? Yet, I had a bag over my head and my hands were cuffed behind my back... What possible threat could I have been?

I felt bewildered. My face felt numb. My ears were ringing. I needed an explanation. And some ice.*

“What's your name?” A uniformed blond behind the desk sneered.

I cleared my throat. “I haven’t been arrested for anything... I’ve just been ‘arrested’. None of you idiots can tell me what I’ve been charged with. See, I actually have to be arrested for *something*. Something I did. You can’t just put someone under arrest and then figure out later if you might have something on them...” I tried to look at her through the fine mesh.

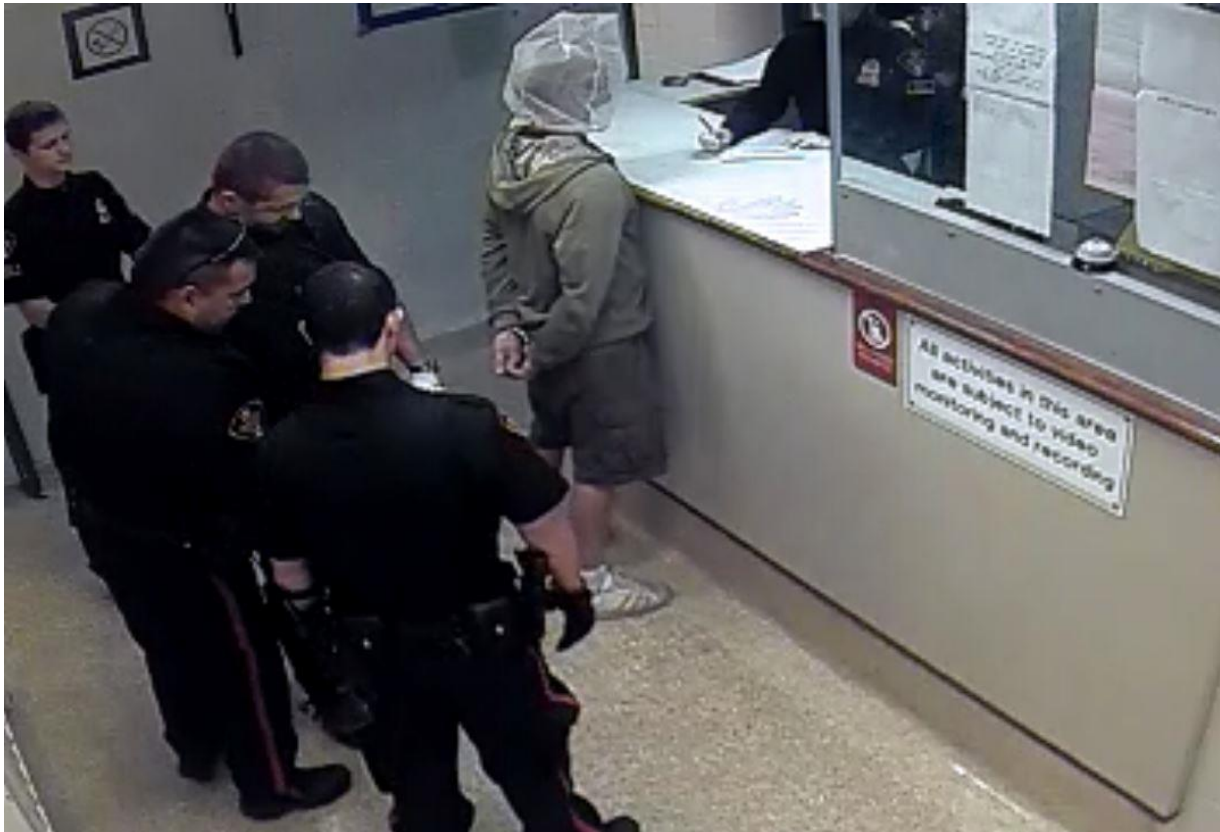


She ignored me completely, and simply repeated her question. “What’s your name?”

I ignored her completely and continued. “What am I being charged with? Why was I arrested? You can’t just keep me here. I want to go home. I shouldn’t even be here! I never should have left the parking lot.” I sighed out loud. “Bunch of fucking idiots.”

“Answer the question!” Someone behind me snapped.

“Get fucked.” I calmly responded to the voice without turning my head.





That response instantly changed the mood and got everyone's attention. I could feel people moving around behind me. I had no peripheral vision with this mesh bag over me. My face was buzzing with pain and a burning sensation on my lips and nose combined with the warm, sticky blood from my cuts was now becoming unbearable. Blood was drying and clogged my nose, its sour taste hung in my mouth. Handcuffed behind my back, with a stupid spit sock on my head and a painfully swollen and tender face was an increasingly uncomfortable combination.

I needed some help. Instead, they gave me attitude. Plenty of it. So, like in all good relationships, I happily gave them some gifts of gratitude. Here I was, handcuffed and positioned at the booking desk with no idea why. I wanted to go home. I felt ill. My head was pounding, and my ears would not stop ringing. I wanted out of there. As quickly as possible. I didn't like the vibe.

I wrongly assumed, if I answer their questions, they will let me go. This was where my impatience got the best of me. This is how they do things. Remember, **DON'T TALK TO POLICE**.

I should have kept my mouth shut. But I gave them my name. I figured they would serve me with a summons to show up to court at a later date. I figured they would respect me and see that I wasn't there

any longer than I needed to be. Answer a few questions and leave. Then I could get out and assess my injuries, wash myself and get all the blood cleaned up.

At this time in the evening, I figured they would send me in front of a judge or some other authority at the station and then give me an appearance notice. A summons. Like an invitation to a party. A party you don't want to go to. But somehow feel obligated to participate anyway.

What's the worst that can happen? They could mess around with me for an hour, and then slap me with some paperwork, right? 60 minutes and be done with me. It wasn't late, it was barely eight o'clock. The night was still salvageable.

I tried to squint through the fine mesh to better make out their name badges or faces. It was futile. These 'spit-socks' were quite the little accessory. They can't *see* my injuries and I can't see their *identities*.

I sighed out loud. These people are smart enough to do exactly what they are told but brainwashed (or stupid) enough not to question their orders. The power of police has gotten out of hand. I will not be persuaded otherwise. We have laws in this country, laws which lay the very foundation for a free and democratic (Canadian) society.

The police were abusing the law. All by design. It was a charade. A bad joke. A farce. I instantly remembered a crucial Canadian case; ***R. v. Mann*, 2004 SCC 52 (CanLII), [2004] 3 SCR 59**

(15) As stated earlier, the issues in this case require the Court to balance individual liberty rights and privacy interests with a societal interest in effective policing. Absent a law to the contrary, individuals are free to do as they please. By contrast, the police (and more broadly, the state) may act only to the extent that they are empowered to do so by law. The vibrancy of a democracy is apparent by how wisely it navigates through those critical junctures where state action intersects with, and threatens to impinge upon, individual liberties.

The law and traffic safety. It's called the Traffic SAFETY Act for good reason. Police operate under the authority of the traffic safety act. *Safety* being the operative word. You know, the unsafe stuff that they worry about- drunk driving, speeding and reckless driving or stunting. The potential threat to public safety is what gets their attention. Well, that's what I originally thought.

Getting insurance and registration, it's just like a statute, a legislated act. Having or *not* having insurance is not against the LAW. The System positions or presents these statutes under the guise of utilizing the roads for commercial purposes. Like a farmer taking his tomatoes to market. He's trafficking his tomatoes to be sold. He's engaging in a commercial enterprise.

It's not the LAW, like what the Criminal code of Canada is based upon. Real 'law' is based on natural law or the common law. Specifically, cause no harm or loss. For example, *harm* caused from murder, rape and assault or *loss* resulting from theft, extortion or fraud.

You can't provoke or mess-around-with people just because they don't have the correct papers (insurance) on their automobile. You certainly can't mess-around-with people who were simply along for the ride. Those roads were built for Canadians, by Canadians. I am free to travel those roads across this great country. My gasoline taxes pay for the upkeep. It's a true 'user-tax', if you want to simplify it.

But try telling any of that to these supposed 'Law Enforcement' personnel. These heroes and caped crusaders for justice. Or should I say 'stripey-pants' crusaders. The police and their uniforms/costumes. Try having a reasonable, rational discussion with these officers of the Law. I've been there and done that. Got the T-shirt to prove it. I wish you good luck.

There is a good reason why certain people get hired to be police. The types of people that get hired to be police are not what you would call smart people. Much like the military. It's similar to a 'slot-limit' fishing lake. Don't remove the little ones, or the really, really big ones. But if the fish measures between a certain size, it's a keeper!

My mind flashed back to my traffic stop with Siemens and Ens. Smart enough to do what they're told, stupid enough never to question it. It's true. Cops are not smart. This is by design. The aptitude and skills testing that police forces around North America use are purposefully designed to weed-out the *too-stupid* to be a good cop, and the *too-smart* to be a good cop applicants. You can look it up.

You and I both know smart people do not make good cops. The truth of the matter is smart, intelligent people never want to become cops in the first place. It is only inevitable that stupid people become cops. Stupid people are more inclined to do what they're told. Stupid people make good cops because they don't question what they do. Stupid people make good cops because they simply '*do their job*'.

Don't believe me? I can prove it. Next time a cop extorts you for money in the form of some bullshit fine, or Safety Offense Ticket for a traffic infraction, like disobeying some simple traffic statue- and you tell them it's all bullshit or they are acting unfairly- she/he will simply say, "I'm just doing my job."

"...*Just doing my job*..." Where have I heard that before?

I must admit, it was quite the scene at the booking desk. We had another stand-off. Everyone refused to identify themselves or tell me why I was there. They proceeded to ask me who I was and where I lived and what I did for a living. I refused to answer until they told me why I was under arrest.

They asked me what I was doing in the parking lot. They made several demands of me- including telling me to "shut-up!" when I tried to ask questions or "answer the question!" when I rebuffed the woman behind the counter. She continued asking questions of me. I continued giving her a piece of my mind.

To add insult to injury, they demanded I take my hoody off... while I was still in handcuffs. I started laughing, which only seemed to incense them further. I must have been getting under their skin, because while taking the handcuffs off, the officer gave a good twist to my right arm, shoulder and wrist. I flinched from the sudden jolt of pain.

They made me keep my hands out in front of me. "Hands on the counter!", one of them hissed. I couldn't tell if the voice was scared or angry. Probably both.

“Yeah, yeah, okay.” I replied.

I was now left in only my socks, t-shirt, and my shorts. They even took my belt. My belt! After those formalities, they proceeded to pat me down and search me AGAIN; and it was here I had the rest of my belongings taken away- namely my shoes, belt and hooded sweatshirt. My hat, sunglasses, cell phone, keys and wallet had already been taken from me when I was assaulted and searched in the parking lot.

With both sides refusing to relent, I finally took a deep breath and proceeded to answer their questions (including my name, address, occupation) and what I had been doing that evening- where I was and where I was going. I figured I would answer their questions and they would give me a notice to appear in court at some later date. However, I figured wrong. They had no intention of releasing me.

I focused my eyes through the fine mesh of the spit-sock and saw outlines of two hands painted with thick black marker onto the counter-top of the booking desk. Like the first time the art-teacher asks you to draw an outline of your own hands. Above them was written, ‘PLACE HANDS HERE’.

I motioned to take the bag off my head and sensed their apprehension. A voice specifically told me to keep the spit sock on. *Yeah, wouldn't want to let the cameras capture any of my facial maladies, would you?*

I slapped my hands down inside the jiffy-marker outlines.



“So, what exactly, am I being charged with?” I sneered. “What is my charge? Why am I here? You can’t just ‘arrest’ someone for no reason and then put them in jail without telling them what they’ve been charged with...”

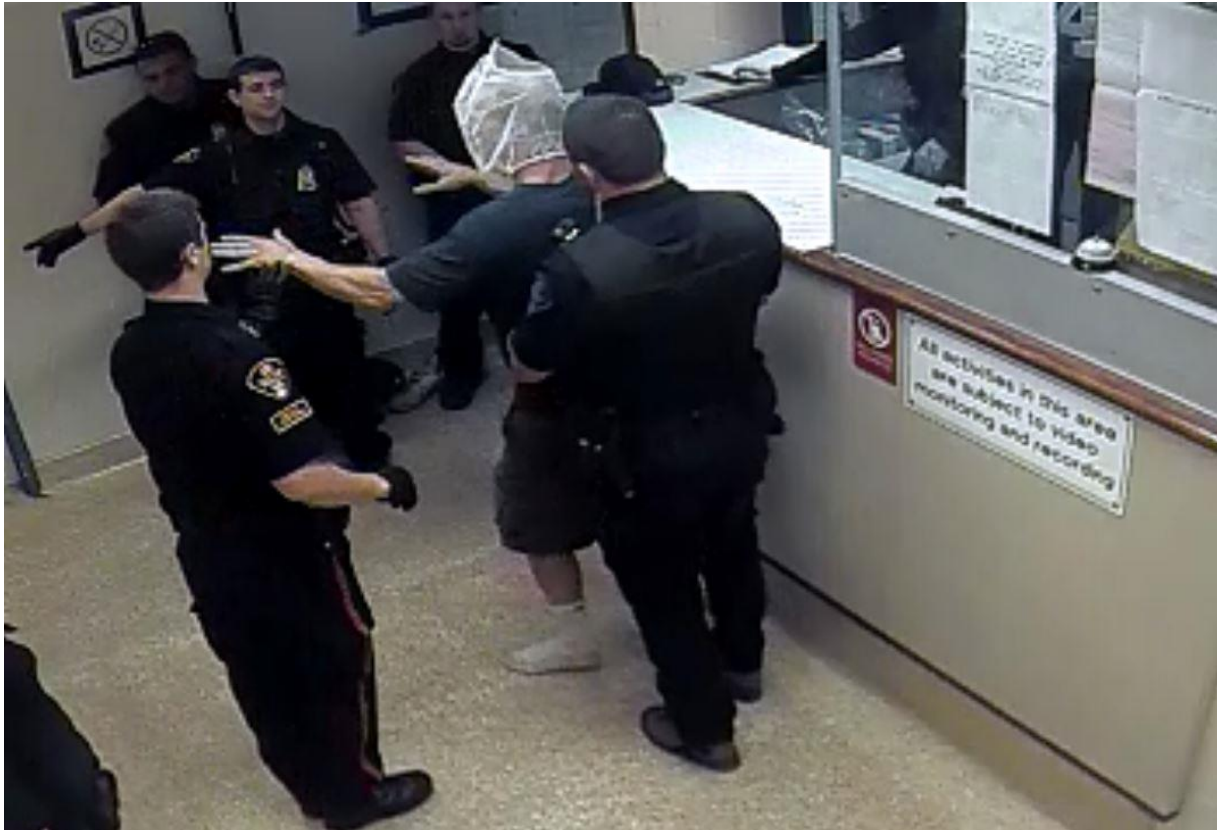
I was now steaming mad. My face throbbed and I was tired of tasting my own blood. I needed water and a place to clean myself and attend to the cuts and bruises on my smashed face. They ignored me.

Looking back, it occurred to me that none of them knew why I was there. No one had been given any specifics. Keating remained in the parking lot with McAvoy and Schaefer and a few others. They were totally occupied with the car. I was an afterthought. They removed my brother and I from the parking lot, because they had created a scene and needed control again.

It made the most sense to me. Especially after what happened next.

Nobody told me why I was in custody, why I was now staying in custody, how long I would be there or what the specific charge was! I was refused medical attention, never offered a call to a lawyer and worse yet, had no idea where my brother was. The cold, tiled floor crept through my socks and into my feet.

After answering all their questions, I stomped my way to cells, escorted by GI Joe and his friends.



**I posted a few of the raw videos to my YouTube channel (@justcallmestew4390/videos).*

Chapter 16 – Cell #11

The cops proceeded to march me into cell #11. Uncoincidentally, it was the furthest cell away from where they were also keeping Jarvis. Detention staff conveniently attempted to prevent us from speaking to one another. I had other ideas.

Upon getting into my cell, I did my best to drink some water and clean my face and nose from the integrally mounted, quite pathetic, lavatory/sink on top of the steel one-piece toilet. The lukewarm water did little to help my thirst but did let me tend to my cuts and bloodied nose. A large steel HVAC supply grate was affixed into the ceiling above me, its wire mesh coated with dust and gray film from years of neglect and isolation. Beside the supply duct, nestled into the ceiling, covered with what looked like bullet-proof glass, was the detention-cell light. Sunlight-bright, it remained permanently on.

Now stripped of my shoes, hoody & belt, I would soon be at the mercy of the SPS Station HVAC fans blowing cold air into each detention cell. Taking stock of the small cell, I saw a hard, 1” thick rolled up black rubber mat beside the sink-toilet. I had to get off the cold tile floor. After unrolling it, I sat down. My head pounded, my face throbbed, my legs and knees ached, and my ears were ringing- I was suffering from concussion-like symptoms. I collected myself and my thoughts.

Thoughts about my experiment, my law studies, powers of police and the Canadian Charter quickly flashed in and out of my head. I began thinking about the Stanford Prison Experiment. For those not familiar, it was a social experiment, of sorts. Basically, a psychology study in which college students became prisoners or prison guards in a simulated prison environment. The experiment was even funded by the U.S. Office of Naval Research. As the name implies, it took place at Stanford University in August 1971.

Briefly, it was intended to measure the effect of role-playing, labeling, and social expectations on behaviour over a period of two weeks. However, the mistreatment of prisoners escalated so *quickly and alarmingly* that principal investigator Philip Zimbardo was forced to terminate the study after only six days. I could only imagine what the Saskatoon Police Service was able to get away with- behind closed doors, with no fear of a prying **news-media-mafia**.

My mind raced. *Can these clowns just throw me in jail? Can these clowns keep me in jail!? What am I under arrest for? Am I getting out anytime soon? How long can these clowns keep me here? I can't believe this is happening! Hopefully, those unmarked ghost cars picked up everything! I was tackled right between the pair of them. The entire scene will be captured on their in-car video cameras. Brrr, that fan is freezing! And it stinks in here, like urine, vomit and stale bleach.*

I remembered my *Guarantee of Rights and Freedoms* as a Canadian...

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Section 1- The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

Section 2- Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

Legal Rights

Section 7 - Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Section 8 - Everyone has the right to be secure against unreasonable search or seizure.

Section 9 - Everyone has the right not to be arbitrarily detained or imprisoned.

Section 10 - Everyone has the right on arrest or detention:

- (a) to be informed promptly of the reasons therefore;
- (b) to retain and instruct counsel without delay and to be informed of that right;

(c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Section 11 - Any person charged with an offence has the right:

- (a) to be informed without unreasonable delay of the specific offence;
- (b) to be tried within a reasonable time;
- (c) not to be compelled to be a witness in proceedings against that person in respect of the offence;
- (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
- (e) not to be denied reasonable bail without just cause;

Section 12- Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.





Although unknown to me at the time, the case of Kenneth Bartle, **R. v. Bartle**, [1994] 3 S.C.R. 173, from the court of appeal for Ontario, as excerpted from *Canlii.org*, laid out the role and responsibilities of arresting officers regarding specifics to contacting legal counsel for an accused. It states:

“The appellant was arrested for impaired driving after failing a roadside breathalyser test in the early hours of a Saturday morning. The arresting officer read the appellant his rights under s. 10(b) of the Charter from a pre-printed caution card that mentioned the availability of legal aid. The officer did not, however, refer to the fact that free and immediate preliminary legal advice was available from duty counsel, who could be reached by calling a toll-free number printed on the caution card. Shortly after the caution was read to him the appellant made an incriminating statement. After being taken to the police station, the appellant was twice asked whether he wanted to call a lawyer. Again, no mention was made of the toll-free number for free duty counsel. On both occasions the appellant declined. He later testified that he thought that he could only contact a lawyer during normal working hours, and that he had indicated to a constable that he did not know who to call at that time of night. The constable, on the other hand, testified that appellant simply replied “no” when asked if he wanted to contact a lawyer.

The appellant's conviction was overturned on appeal to the Ontario Court, General Division but was restored by the Court of Appeal. At issue was whether the information component of s. 10(b) of the Charter requires that police routinely refer to the existence and availability of 24-hour duty counsel services providing free, preliminary legal advice, that can be reached by telephoning a toll-free number and, if so, whether the evidence obtained following a failure by the police to fulfil their informational duty should be excluded under s. 24(2) of the Charter.

(1) Section 10(b) of the Charter

Per Lamer C.J. and Sopinka, Cory, Iacobucci and Major J.J.: Section 10(b) places three duties on state authorities: the duty to inform detainees of the right to counsel, the duty to provide them with a reasonable opportunity to exercise this right, and the duty to curtail questioning until that reasonable opportunity has been exercised. The first duty is an informational one. The second and third are implementation duties that are triggered only if a detainee expresses the wish to exercise the right to counsel. The right to counsel that s. 10(b) provides is not absolute. Unless a detainee invokes the right and is reasonably diligent in exercising it, the correlative duty on the police to provide a reasonable opportunity and to refrain from eliciting evidence will either not arise in the first place or will be suspended. The rights guaranteed by s. 10(b) may be waived by the detainee, but the standard for waiver is high, especially in circumstances where the alleged waiver has been implicit. The information component of the right to counsel must accordingly be comprehensive in scope and be presented by police authorities in a “timely and comprehensible” manner. Unless detainees are clearly and fully informed of their rights at the outset, they cannot be expected to make informed choices and decisions about whether or not to contact counsel

and, in turn, whether to exercise other rights, such as their right to silence. Moreover, in light of the rule that police are not required to assure themselves that a detainee fully understands his or her rights, absent special circumstances indicating that a detainee does not understand the s. 10(b) caution, it is important that the standard caution given to detainees be as instructive and clear as possible.

The jurisprudence has added two elements to the information component. A detainee must be given information about access to legal aid and to duty counsel.

Imposing additional informational requirements on the police is justified by the need to fulfil the underlying purpose of the Charter-guaranteed right to counsel. Central to s. 10(b) is the information component, which is what is provided universally to all detainees and upon which subsequent correlative duties on the state hinge.

R. v. Brydges stands for the proposition that police authorities are required to inform detainees about Legal Aid and duty counsel services which are in existence and available in the jurisdiction at the time of detention. Basic information about how to access available services which provide free, preliminary legal advice should be included in the standard s. 10(b) caution. Failure to provide such information is a breach of s. 10(b). Where the informational obligations under s. 10(b) have not been properly complied with by the police, questions about whether a particular detainee exercised his or her facilitation rights do not properly arise for consideration. (These questions may become relevant, however, when considering whether the evidence obtained in the course of the Charter violation should be excluded under s. 24(2) of the Charter). The breach of s. 10(b) is complete, except in cases of waiver or urgency, upon a failure by state authorities to inform a detainee properly of his or her right to counsel and until such time as that failure is corrected.

The validity of a waiver of a procedural right is dependent on it being clear and unequivocal that the person is waiving the procedural safeguard and is doing so with full knowledge of the rights the procedure was enacted to protect. This standard applies equally to Charter rights. In the case of s. 10(b)'s informational component, requiring that a person waiving the right have "full knowledge" of it means that he or she must already be fully apprised of the information that he or she has the right to receive. The fact that a detainee indicates that he or she does not wish to hear the information conveyed by the standard police "caution" mandated by s. 10(b) will not, by itself, be enough to constitute a valid waiver of s. 10(b)'s informational component.

If the circumstances reveal that a particular detainee does not understand the standard caution, the authorities must take additional steps to ensure that the detainee comprehends the rights guaranteed by s. 10(b), and the means by which they can be exercised. Conversely, situations may occasionally arise in which the authorities' duty to make a reasonable effort to inform the detainee of his or her s. 10(b) rights will be satisfied even if certain elements of the standard caution are omitted. This will only be the case if the detainee explicitly waives his or her right to receive the standard caution, and if the

circumstances reveal a reasonable basis for believing that the detainee in fact knows and has adverted to his rights, and is aware of the means by which these rights can be exercised. The fact that a detainee merely indicates that he or she knows his or her rights will not, by itself, provide a reasonable basis for believing that the detainee in fact understands their full extent or the means by which they can be implemented. There must be a reasonable basis for believing that a detainee who waives the informational component of s. 10(b) is, in fact, cognizant of some, or all, of the information contained in the standard caution. In this case, omitting this information from the standard caution may not result in a violation of s. 10(b).

The standard for waiver of the informational right is high. In light of the informational component's importance in ensuring that the purposes of s. 10(b) are fully recognized, the validity of waivers of that component should only be recognized where it is clear that the detainee already fully understands his or her s. 10(b) rights, fully understands the means by which they can be exercised, and adverts to those rights. Requiring that these conditions be met ensures that any subsequent waiver of the right to counsel made following a waiver of the informational component will be a fully informed one. Since the informational obligations s. 10(b) imposes on state authorities are not onerous, it is not unreasonable to insist that these authorities resolve any uncertainty that might exist regarding the detainee's knowledge of his or her rights.

The appellant in this case did not express any interest in waiving any of his informational rights, including his right to be informed of the existence of Brydges duty counsel services, and moreover, the evidence did not reasonably support the inference that he knew that such services were available. Therefore, he did not waive his s. 10(b) informational rights, so the authorities' failure to inform him properly of the availability of duty counsel resulted in a s. 10(b) violation.

Per McLachlin J.: At a minimum, a detainee must be informed of his or her right to retain and instruct counsel immediately upon detention, and that the right to do so is conferred even on those individuals who cannot afford private counsel. This information must be provided to all detainees, regardless of the presence or absence of duty counsel systems in the jurisdiction at the time of detention. All detainees in Canada have equal rights under s. 10(b), although the means by which those rights may be exercised may not exist in all jurisdictions. Where no means exist for implementing the right to counsel under s. 10(b), a detainee is nevertheless entitled to be told of the scope of his or her rights, after which he or she can make an informed choice about exercising the right. In those jurisdictions where a duty counsel scheme has in fact been implemented, there is an additional duty to inform detainees of the existence and availability of duty counsel, including information about how to access such services.

The caution given here fell short of meeting even the two minimum requirements of the informational component of s. 10(b), let alone the additional requirement of informing the detainee of available legal aid. Once it has been established that the detainee was not

properly informed of his or her right to counsel, the breach of s. 10(b) is complete and issues such as waiver and due diligence do not arise for consideration.

(2) Section 24(2) of the Charter

Although the applicant bears the ultimate burden of persuasion under s. 24(2), the onus on certain issues will shift to the Crown. Under the second branch of s. 24(2), an issue that arises is whether the accused would have acted any differently had there been no s. 10(b) violation. The legal burden (the burden of persuasion) of establishing that a s. 24(2) applicant would not have acted any differently rests on the Crown. Where conscripted evidence is involved, the conclusion must be drawn that trial fairness has been adversely affected because the evidence might not have been obtained if there had been no breach. Two reasons underlie this conclusion. First, breaches of s. 10(b) tend to impact directly on adjudicative fairness. Where self-incriminatory (as opposed to real) evidence has been obtained as a result of a s. 10(b) violation, its admission will generally have a negative affect on the fairness of the trial. Second, given this Court's warnings about the dangers of speculating as to the advice a lawyer has given a detainee, absent the s. 10(b) breach, any uncertainty about what an accused would have done should be resolved in the accused's favour. For the purposes of considering the effect of admission of evidence on trial fairness, courts assume that the incriminating evidence would not have been obtained but for the violation.

If the state claims that there was no causal link between a Charter breach and the obtaining of evidence, it is the state that should bear the burden of proving this assertion."

The on-duty SPS staff knew their role and responsibilities that evening, and simply disregarded them. It wasn't the first time. The SPS were notorious for not allowing people to contact a lawyer, or resorting to various tactics to frustrate, provoke or intimidate suspects and people, in general.

They knew I should have been given a chance to call a lawyer. They knew they should have explained that to me. They knew I should be taken in front of a judge or Justice of the Peace as soon as immediately possible. Specifically, to be told of my charges and their consequences. They knew what they were doing.

Habeas Corpus is written into Section 10 specifically, for this reason. It is sometimes known as the great and efficacious writ in all manner of illegal confinement. It's why anything that could have helped me, like audio, video or otherwise, basically went missing. What is referred to as disclosure. It all just disappeared. Or wasn't synced or linked-up properly, so nothing was recorded.

The typical shrugging of the shoulders.

The cameras didn't work.

The dog ate my homework.

How convenient for them....

Chapter 17 – Five.. Five.. Five.

With the air-conditioning cranked and the tiles freezing, I can easily say it was a rather unfriendly place. My knees were all skinned-up, my ears were ringing, and my body buzzed from adrenaline. I had cuts and bruises all over. I needed to take stock of my present situation. I stretched and schemed.

Where was I? Where was Jarvis? What the heck was happening? These were just a few of the questions I had. I gathered myself in the small, cold, brightly lit cell and attempted to get some questions answered. There was a good five inches of space below the cell's front wall. I squeezed my head under it as best I could and tried to listen. Various sounds and some voices, very faint, crept back to me down the hall.

I tested the waters.

“Hey!” I yelled out. “Hey! Hey youse faggots!” I turned my head and tried to cup my ear. I only heard murmurs and unrecognizable sounds. The blowing fan above me was not helping.

Hmmm. I know what I'll say...

I took a deep breath and belted out, “Jarvis! Jarvis?! Can you here me! Jarvis?! Its yer bro! Hey, JARR-VISSS!!”

I re-positioned and tried to listen to the empty corridor through the white noise.

Then I heard him, faintly. But heard him I did. That was enough for me. I started booming out some questions and answers and we got ourselves up to speed. Both of us were now in jail. Neither of us knew why.

Through the course of our impromptu discussion, I cursed and screamed at my abductors. I knew my tone and vulgar language were having an effect when a female voice yelled back, “You need to be quiet down there! You’re disturbing the others!”

That didn’t take long to get on her nerves... Haha! Winning...

She gave me all the confirmation I needed to double up on my efforts.

I got louder and more obnoxious. I decided to make a nuisance of myself. I yelled and screamed and tried to make as much noise with my voice as possible. Truth be known, I have a deep, loud voice and some would attest a mouth like a sailor, or maybe a trucker. But I also figured that if I was going to be spending the night, I would be better able to sleep if I expended some energy and frustrations.

Did you really think I would sit here quietly? Like a good little prisoner? Did you think I would play nice while you hold me hostage? Trapped on the cold, tiled floor of this cell?!

I thought about the movie **Commando**, with Arnold Schwarzenegger, and the character he plays, John Matrix. Near the end of the movie, upon hurling a broken length of pipe through his nemesis, he declares, “Let off some steam, Bennet!”

And let off some steam I did.

The small opening at the bottom of my cell door was not nearly wide enough to stick my head through. But by laying down on the black rubber mat, I stayed off the cold floor and was able to throw my voice into the long corridor. It led straight back to the booking desk, where I now knew various staff were stationed, and unable to press my mute button.

Sometime after her futile attempt to scold me, one of the officers from the parking lot walked down the corridor and approached my cell. I instantly recognized him as one of the first two officers who arrived in the 2nd unmarked car and attempted to tackle me.

I didn’t know his name at the time, but it was Constable Vincent Schaefer.

He wasn’t there to offer me assistance or release me from custody. He was here for another impromptu questioning/interrogation. He had his notebook out. He wanted to ask me some questions.

I let him have it.

“Hey! I know who you are! You’re one of the mother-fuckers who tossed me to the pavement! Aren’t ya!?”

For starters, he needed my name. I assumed he was taking credit as the arresting officer. It turns out, this was only the beginning of the covering-up for Constable Keating and his parking lot fiasco.

The game began.

Schaefer asked me for my name.

I asked him for his.

He repeated his question.

I repeated mine.

It was obvious we were in a stalemate. I couldn't believe I was in this situation again. I was furious.

"I gave those assholes at the desk all my information." I told him. "Just go and talk to them, because I ain't telling you shit."







“Look, buddy.” He pleaded. “I just need your name to fill out my report.”

“Buddy? So, now we’re buddies?!” I exclaimed. “Should we go for some beers later?” I sarcastically motioned the drinking of an imaginary beer bottle. “What’s your name?”

He wouldn’t answer the question. We jostled back and forth.

I quickly peered at his chest and saw ‘555’ on a small patch.

“You want my name, but you won’t tell me yours? Maybe you should have thought about that before you pricks smashed my face!” I was incensed. “Fuck you! I got your badge number! Five-five-five..! That’s all I need. Now, get the fuck away from me, you chicken-shit flapjack.”

He stood in the corridor, unsure of what to do next. He had his little black notebook out and appeared to write a few notes down.

I stomped around and continued, “Are you getting me out of here?”

He seemed confused, saying simply, “Why can’t you just give me your name?”

“Why can’t you just take a hint?” I was so irritated. I knew more about their jobs than they did. Or so it appeared.

“I want out of here. I need to get home and wash all the fuckis off me. The longer I’m in here, the more I smell like you.” I was now being deliberately unpleasant towards him.

He shook his head, irritated, but visibly off-balance, unsure of what to do next.

If he had given me his name and acted like an adult in the parking lot, I might have done the same. I waited for 5 seconds, then finished. “No? Then I’m done with you. You can get all my info from the shit-heads at the desk. Now, fuck off, you’re bothering me.”

He didn’t leave.

I started being mean. I was so fed up. I got my face back under the cell wall and bellowed into the hallway every nasty name I knew or made-up in the moment.

He finally took the hint.

Our dialogue abruptly over, he seemed lost in thought, noticeably flustered. He started to walk away down the corridor, but realized he was going the wrong way and turned around. His face was flushed.

I laid back down on my mat, squeezed my head under the frame of the cell and yelled after him, “Hey asshole! While you’re down there, send somebody to let me out. I’ve been in this shit hole for too long already. The clock is tick-king!”

I had a sneaking suspicion I wouldn’t be seeing him, nor would I be going anywhere, anytime soon.

Chapter 18 – Processing

I did my best to wrap myself up like a mummy with the lone, thin bed sheet I had to request, to keep the cold chill of the fan at bay. I remember finally getting to sleep, maybe around 1:00 or 2:00 in the morning. However, at some point during the night, someone from detention staff loudly cracked their flashlight or baton against the glass wall of my cell, startling me and waking me up.





I tried to rest and slept fitfully until I was awoken, again, early in the morning by two uniformed police officers who wouldn't give me their names or badge numbers, either. One of them appeared to be an officer in training. I started shaking again. Mostly from the cold, but also from the uncertainty of everything.

I was freezing, tired, hurting-all-over and suffering a wicked headache. I still had not been told what I was being charged with. They placed me in handcuffs, (they were nice enough to affix them in front of me this time) and I was escorted down the cold, cell block corridor to a small room.

I had not slept well, and my t-shirt had not dried. The cold, damp cotton clung to my skin. My adrenaline started surging again and I could feel the cold floor creep into my socks. My head was pounding, and my ears were still ringing. *Maybe I was about to get some medical attention?*

We stopped at a room with a countertop, a camera, computers and equipment. I looked at Tweedle-Dee and Tweedle-Dum as they stayed out in the hallway, heads down, pretending to count the floor tiles. They stood conveniently out of view from the video cameras that were installed in the room. Those ubiquitous black orbs that were mounted in various ceiling corners around the cells.

Ah, I know where I am.

I looked right at the pair of them and said, "I can't protest and refuse to get my picture taken, eh? I have to- To do what you say?" I shook my head in mock disbelief, trying to tell myself this was all a bad dream.

These useless, mindless goons. They have no right to do this to me. This situation is insane. I never should have left the parking lot. I shouldn't even be here.

The room had cabinets, a counter, a small sink and faucet, desk and a digital camera along with a glass topped scanner, various computer equipment including keyboards and monitors and a standing balance-weight scale. I was made to stand by the door. As the two uniformed cops stayed back in the hallway, the three plainclothes continued with my processing. Not one of them identified themselves to me or told me what they were doing or why they were doing it. I knew what they were doing. I knew exactly what they were doing.

Inside this cramped room, dressed in plain-clothes, all had badges on their belts or hanging from chains around their necks. Two men and a woman. They smelled like coffee. I wasn't getting medical attention. They weren't interested in my health, safety or well being. They wanted my picture and fingerprints. They didn't say anything to me except give me instructions.

They were only interested in taking my photograph and collecting my fingerprints. I was about to be 'processed' so I could be entered into the Canadian Police Information Centre information database (CPIC). My unique identifiers would then be used to search for me in the CPIC database. Like Arnold, this time in the movie **The Running Man**- they were uploading me into *zee netverk*. Once entered, I could be cross referenced with police forces and intelligence agencies around the world.

Here they were, about to take my picture and I could feel the blood coming back to my smashed face. I knew my cuts and bruises would show up nice and clear on their cute little high-definition camera.



They took my height, weight and a photo of my face, the infamous mug shot. Everyone seemed tense. No one said anything. I looked around the room. No one wanted to make eye contact.

I sighed. *These assclowns are gonna search for me using CPIC...The Cops, RCMP and FBI and CSIS and who else? Scotland Yard? The CIA? They must find out if I have any prior records. Its all they have to go on. Just wait till I get my hands on all those dashcam videos...*



Next, they tried to take my fingerprints. I was so cold and had such an adrenaline rush that I couldn't stop shaking. My hands were getting clammy and my lower back downright dripping. The first time they put my hand on the scanner, the moisture smudged the glass. They had to use rubbing alcohol and swabs to dry my hands. I had no idea of the time except I could smell their coffees and see their tired eyes and grey skin. I assumed it was earlier than 7:00am.

The cops needed a head-start on finding out who I really was, in the hopes they could stick me with some charge, some offence, ANYTHING, to justify their heavy-handed treatment of me. They needed to show I had a certain history or criminal record. They needed an excuse for their actions. They needed a miracle.

With the formalities of my mug shot and other nonsense wrapped up, The Tweedle-D's escorted me back to my cell. I started re-playing the events of the last night and what was now unfolding. The answer to why I was still here, was becoming clearer to me.



Tweedle-Dee undid the handcuffs and Tweedle-Dum slid the cell door closed. I crawled back onto the cold rubber mat and pulled the bed sheet over my still shaking body. The air blowing from the fan above seemed to be even colder. I curled up, doing my best to shield my eyes from the bright light and my body from the artificial arctic breeze.

Welcome to the System, Stew. Enjoy your stay.

I closed my eyes and tried to sleep.



**I posted video to my YouTube channel (@justcallmestew4390/videos).*

Chapter 19 - Justice of the Peace

As I had no idea of the actual time, I can only speculate as to when they did physically take me in front of a justice of the peace. At approx. 11:00am, I was let out of my cell by different police officers, handcuffed at my front and escorted to another room. I was about to see the man called the Justice of the Peace (JOP).

Upon entering, I noticed a picture of the Queen on one wall and a large desk with some papers and a phone and some books and things, including some kind of tape-recorder device. The cops were tight-lipped and quiet. No one wanted to make eye contact with me for fear I would start asking more questions. Or maybe it was my smashed, swollen face.

My curiosity began getting the better of me, as the ominous silence and lack of any explanation from anyone in detention since my arrival was surely a sign that things were amiss.

Hmmm... I know my record. I don't have one. Maybe one speeding ticket my whole life. These shit-birds have nothing on me.

Truthfully, I was expecting to be taken in front of a person, in-person. However, I was made to stand with my toes on a painted line drawn on the floor. I was to be heard via a video-monitor link. Whoever it was I was about to speak to, wasn't even in the same room! Imagine, the law of your country says you are to be taken in front of a judge or Justice of the Peace as soon as possible.

Except, I wasn't in front of him. He was in another room somewhere else. Possibly not even in the building. We communicated through a video monitor with microphone. Near the desk, installed on the wall.

The video monitor came to life and the screen turned a new shade of black. As suddenly as it seemed to be off, it flashed on and appearing on the electric screen was a man dressed in a black and white robe of sorts. He read me some charges and seemed very upset with me. He told me he was a Justice of the Peace, Andrew Wandler.



I had a terrible headache, my back was stiff, and my ears were still ringing. My entire body was cold and very sore. The rubber mat had been of little help.

“Toes on the line, please. Look straight ahead.” The cops in the room seemed a lot more nervous or scared than I was. Probably both.

The tiny speaker below the screen crackled, “Mr. Stewart, I’m justice of the peace Andrew Wandler. I am a Justice of the Peace for the city of Saskatoon... *Blah blah...* and I am here to address you of your charges...”

What? Wait. Did he just say charges? Like plural?

“Uh, I’m sorry?” I blurted out. “Can you repeat that?” I squinted my eyes as I tried to get a better look at the small image of the small man on the small screen in front of me.

He bristled. “Mr. Stewart, you are facing three criminal charges-“

I cut him off. “Charges?!“ I coughed and nervously laughed out loud. Bad adrenaline flowed through me, and I started to shake, almost uncontrollably.

His already sour tone immediately turned hostile. “Mr. Stewart!” He snapped. “You are being charged with three serious crimes!”

“Three!?” I gasped. “Are you kidding me?”

Single charge of: *Obstruction- 129A*

Offences relating to public or peace officer:

129 Everyone who:

(a) resists or wilfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer,

(b) omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so, or

(c) resists or wilfully obstructs any person in the lawful execution of a process against lands or goods or in making a lawful distress or seizure,
is guilty of

(d) an indictable offence and is liable to imprisonment for a term not exceeding two years, or

(e) an offence punishable on summary conviction.

And TWO charges: *Assault PO- 270.1b*

Assaulting a peace officer:

270 (1) Everyone commits an offence who:

(a) assaults a public officer or peace officer engaged in the execution of his duty or a person acting in aid of such an officer;

(b) assaults a person with intent to resist or prevent the lawful arrest or detention of himself or another person; or

(c) assaults a person:

(i) who is engaged in the lawful execution of a process against lands or goods or in making a lawful distress or seizure, or

(ii) with intent to rescue anything taken under lawful process, distress or seizure.

Marginal note: Punishment

(2) Everyone who commits an offence under subsection (1) is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or

(b) an offence punishable on summary conviction.

Times two! Why two times, you ask? Well, one could easily be excused as an accident. But two assaults? Two times means you did it. Wilfully. Purposefully. You did it with intent. Two assaults against police/peace officers means you probably go to jail. Do not pass GO. Do not collect \$200.00

Two assaults mean you got a criminal record. Have fun finding a job and good luck trying to travel anywhere for the rest of your life. Want to go catch an NFL game, south of the border, or visit Vegas? Feeling lucky?

The cops knew exactly what they were doing. This was the same organization that froze little native boys in the ice and snow, like *Neil Stonechild and the Starlight Tours*. Did the public care? Sadly, Starlight Tours sounded more like a Broadway musical.

My mind was swimming in thoughts and images. They were charging me with crimes. Assault is a serious crime. Obstruction and 2x assault POs to cover up a beating at the hands of your accusers? Was this where I was? Was this really happening?

I was shocked. I tried to remember the previous night. It would have been nice to have pen and paper to jot some notes down.

For the Saskatoon Police, they were getting away with everything anyway, so who cares about some white-boy that got his ass kicked? Merely child's play for the cops!

I focused back to the video screen. Wandler spoke again and he made it clear I would be back to see him again. In-person next time, to sign my "*release-papers*", as he called them. I stood there in stunned silence.

The officers in the room and Wandler mentioned a summons or undertaking or whatever other names they wanted to call it. I didn't care. I wasn't really listening after that. I had never assaulted anyone in my life. Now I've just been told I assaulted 2 officers. I immediately wanted to get out of there and get home.

"Thank you." I replied, but the screen was already black.

The door opened, and I was directed back into the hallway. I tried to take a deep breath. I was noticeably shivering now- cold and very unsure. I tried to not think about my now freezing feet and the nervous sweat that was trickling down my chest. My skull felt like someone a lot bigger than me was squeezing my temples together.

Different officers met me in the hall and escorted me back to my cell. This was the pattern. Always different cops, always. As we walked down the corridor, I couldn't believe what the SPS were now trying to engineer.

I was led back into the now familiar confines of my cell and relieved myself into the stainless-steel toilet bowl. I tried to breathe, inhaled and forced a big sigh. A small push-button drinking fountain-fixture sat atop the toilet tank. Beside the 'sink', was a shallow, saucer-like bowl that touted a single tap and control valve which produced a small trickle of water that was not warm yet somehow, not cold.

After sipping some water, I laid down and pushed my face under the steel-framed glass cell door. “Hey! Hey bro!” I yelled out.

“Yeah?” came the faint, albeit hollow sounding reply from my brother, still at the far end of detention cells.

I cleared my throat and took a breath.

“They got me for assaulting an officer.... Times two. Two times assaulting officers!! And... Obstruction. Obstruction and assault.. P.O....” I paused, listening.

The echo of Jarvis’ voice seemed to add to his surprise, “Got you for... assault?!”

An hour or so later, I was escorted back to the same room. Except this time, JOP Wandler was now seated at the desk. When I entered, he was on a cellular flip-phone, talking to someone, or so it appeared. He smiled at me when I walked in. It was as though he seemed happy to see me in my condition. I quickly tried to re-assess the man from the small screen image. He sat across from me.

After another brief exchange with whomever was on the other end, he closed the phone with a smile and turned his full attention to me. Then frowned.



Once again, I felt as though I was not being given an adequate explanation for the reasons I was being held and why I had been brought to detention cells in the first place. Again, they made it clear I was not

allowed to leave. I desperately wanted to go home and found all the events highly uncalled for. I did my best to tell him as much. I was not a happy *hostage*.

They handed me a charging sheet. It was called an INFORMATION.

Except no cop or person of authority had physically put their name to it. I couldn't tell if it was legitimate or not.

Next, they had positioned some papers on the desk, which I balked at signing.

I remember asking them why I was signing papers to leave. If I didn't sign them, would they keep me in jail?

Their answers were ambiguous and unclear. Their reasonings did not make sense to me, but I urgently wanted out of there.



I signed a paper that somehow allowed me to leave, and I explained to the justice of the peace that I was an honourable man of honourable intentions and would see that I attended their next meeting on September 12th, 2012, to explain myself and these charges.



FORM/FORMULE 2

INFORMATION/DENONCIATION 37292281

DISCLOSURE

Occurrence(s) : 81887-12

Canada: On Behalf of Her Majesty the Queen/
 Province of/de la Saskatchewan Au nom de Sa Majesté la Reine

This is the information of Les présentes constituent la dénonciation de
 _____ of/de BOX 1728, SASKATOON PEACE OFFICER

hereinafter called the informant. The informant says that he has reasonable and probable grounds to believe and does believe that ci-après appelé le dénonciateur. Le dénonciateur déclare qu'il a des motifs raisonnables et probables de croire et qu'il croit que

JAMES DOUGLAS STEWART b. [REDACTED] [REDACTED] SK

(1) on or about the 24th day of August, A.D. 2012
 at or near SASKATOON, SASKATCHEWAN did

WILFULLY OBSTRUCT CST. KEATING PC#738 A PEACE OFFICER ENGAGED IN THE LAWFUL EXECUTION OF HIS DUTY BY INTERFERING WITH THE LAWFUL ARREST OF JARVIS STEWART, CONTRARY TO SECTION 129(a) OF THE CRIMINAL CODE. (12-81887, 37292281)

(2) on or about the 24th day of August, A.D. 2012
 at or near SASKATOON, SASKATCHEWAN did

ASSAULT CST. SCHAEFFER PC#555 AND CST. MCAVOY #680 WITH INTENT TO RESIST THE LAWFUL ARREST OF HIMSELF, CONTRARY TO SECTION 270(1)(b) OF THE CRIMINAL CODE. (12-81887, 37292281)

Then, they handed me an UNDERTAKING.

Little did I know, they were also attempting to hold me accountable for the traffic tickets I had received back in January during the heavy-handed traffic stop with the Cowboy and Indian, Siemens and Ens.

Unsurprisingly, the System did not like to lose at its own game. Deceptively positioned below my criminal charges and notice of release, they had placed a second form. It was a *recognizance*.

My wonderful little experiment regarding that January 13th traffic stop, so many months ago and my disputing the underlying Traffic Safety Act statute laws that supposedly governed it, was about to rise-again, from the ashes of my mind and from the System's *Ministry of Truth* database, the all-seeing CPIC.

Order court 11 Order no: 36656126 Copy count: 1

FORM/FORMULE 12
(See Sections/Voix Articles 515,
520,521,522,524,525,679 and/et 680)

UNDERTAKING GIVEN TO
A JUSTICE OR A JUDGE/
PROMESSE REMISE A UN
JUGE DE PAIX OU A UN JUGE

ORIGINAL

Info number(s)/No(s). de la (les) dénonciation(s): 37292281 (1) (2)

Occurrence(s): 81887-12

CANADA:
PROVINCE OF/DE LA SASKATCHEWAN

I/Je, JAMES DOUGLAS STEWART, b [REDACTED] of/de [REDACTED] SK

understand that I have been charged that I:
comprends que j'ai été inculpé d'avoir:

on or about the 24th day of August, A.D. 2012
at or near SASKATOON, SASKATCHEWAN did

WILFULLY OBSTRUCT CST. KEATING PC#738 A PEACE OFFICER ENGAGED IN THE LAWFUL
EXECUTION OF HIS DUTY BY INTERFERING WITH THE LAWFUL ARREST OF JARVIS
STEWART, CONTRARY TO SECTION 129(a) OF THE CRIMINAL CODE. (12-81887,
37292281)

and

on or about the 24th day of August, A.D. 2012
at or near SASKATOON, SASKATCHEWAN did

ASSAULT CST. SCHAEFFER PC#555 AND CST. MCAVOY #680 WITH INTENT TO RESIST THE
LAWFUL ARREST OF HIMSELF, CONTRARY TO SECTION 270(1)(b) OF THE CRIMINAL CODE.
(12-81887, 37292281)

IN ORDER that I may be released from custody, I undertake to attend court
AFIN DE pouvoir être mis en liberté, je m'engage à être présent au tribunal

on/le Wednesday the/le 12th day of September, A.D. 2012 , at/à

2:00 o'clock in the afternoon at/à

220 19TH STREET EAST SASKATOON, Saskatchewan in Courtroom Number 4

and to attend thereafter as required by the court
to be dealt with according to law or (where date
and place of appearance before court are not known
at the time undertaking is given) to attend at the
at the time and place fixed by the court and there-
after as required by the court in order to be dealt
with according to law.

à être présent par la suite selon les exigences du
tribunal, afin d'être traité selon la loi ou (lorsque
les dates et lieu de la comparution devant le tribunal
ne sont pas connus au moment où le promesse est remise)
à être présent aux temps et lieu fixés par le tribunal,
et par la suite, selon les exigences du tribunal, afin
d'être traité selon la loi.

I ALSO UNDERTAKE TO/JE M'ENGAGE EGALEMENT:

12- 81887 # 7485339 # 7485341
7485340



Province of Saskatchewan

FORM H Recognizance

[Section 49.1 of The Summary Offences Procedure Act, 1990]

I, James Stewart (name), of [redacted], Plumber (occupation)

understand that it is alleged that I have committed w/A 57(1) TSA Drive unregistered motor vehicle w/A 32(1) TSA Fail to hold valid drivers licence w/A 192(3) TSA unauthorized license plate (set out substance of offence).

In order that I may be released from custody, I acknowledge that I owe \$ 500 (not exceeding \$500) to the Crown in right of Saskatchewan to be levied on my real and personal property if I fail to attend court as required in this recognizance. (or, where the person is not ordinarily resident in Saskatchewan and the officer believes that the person will not obey a summons).

In order that I may be released from custody, I acknowledge that I owe \$ 1 / 1 (not exceeding \$500) to the Crown in right of Saskatchewan and deposit (money or other valuable security not exceeding in amount or value \$500) to be forfeited if I fail to attend court as required in this recognizance.

I acknowledge that I am required to attend court on Mon day, the 10 day of September, 20 12, at 9:00 o'clock in the fore noon, in Courtroom No. 5, at Provincial court, in the municipality of Saskatoon, SK, and to attend after that as required by the court, in order to be dealt with according to law.

I understand that failure without lawful excuse to attend court in accordance with this recognizance is an offence pursuant to subsection 24(2) of The Summary Offences Procedure Act, 1990.

Subsection 24(2) of The Summary Offences Procedure Act, 1990 provides as follows:

(2) A defendant is guilty of an offence and liable on summary conviction to a fine of not more than \$500 if:

- (a) the defendant has been arrested under a warrant as a result of failing to appear pursuant to a summons or a summons issued pursuant to the Criminal Code (Canada);
- (b) in connection with the arrest under warrant mentioned in clause (a), the defendant has given a promise to appear to an officer in charge, has given an undertaking to appear to a justice or has entered a recognizance before an officer in charge or justice; and
- (c) the defendant has failed to appear at the time and in the court indicated in the promise to appear, undertaking or recognizance mentioned in clause (b).

Dated this 25 day of August, 20 12, at Saskatoon, SK

(Signature of Accused)

(Signature of Peace Officer)

Court Copy

After signing my name and collecting the paperwork, I left the room and was led down the hall to the now familiar booking desk area. The officers that were gathered there handed me a clear plastic bag with my

clothes (shoes, belt, hat, hooded sweatshirt) and a smaller plastic bag with my sunglasses, wallet, cell phone and keys.

After putting my shoes on and threading my belt back into my shorts, I took stock of my belongings; double-checking I still had cash in my wallet. I made a joke about them stealing my million-dollar lottery ticket. Some of them laughed. One of the officers directed me around a corner to an exit door. Which he then opened for me.

On the other side was the main foyer of SPS HQ. Jarvis was there, patiently waiting for me. We gave each other a brief bro-hug. He paused to take a look at my face.

Shaking his head, he frowned. “Cheap fucks.” Was all he said.

We exited through the main doors back onto the 4th Ave sidewalk of downtown Saskatoon. It was nearly 1:00pm.

We had been in custody nearly 18 hours.

Chapter 20 – Complaint

The rest of Saturday was a complete write-off. By the time we found a ride back to the house and got cleaned up, it was well into the late afternoon. We took our most *awesomest dags* for a good long walk and then both of us crashed. The weekend passed uneventfully. We played with the dogs as much as they would let us. I attempted to take a few naps. I nursed my raging headache into late Sunday afternoon where it eventually subsided enough that I could manage to cook and eat some food by the evening.

Come Monday, with my Ford ranger still in the shop, and Jarvis' Celica now impounded, we got up early and bought tickets from the town grocer to take the Greyhound bus into Saskatoon. After arriving in the city, we walked from the bus depot and arrived at Saskatoon Police Service HQ on 4th Ave North.

The officers' reactions were immediate as we passed through the main doors. I was reminded of the famous line from the movie **Poltergeist**, '*They're heeeeeerrre....*'

A few uniformed cops stood behind the main counter. It was immediately obvious to us, the gossip from the *incident* on Friday night had travelled throughout the station over the weekend. I made it immediately obvious I wasn't the least bit happy.

An officer at the counter, Constable Melnychuk, took issue with our demeanor and attitude. "Hey, don't paint us all with the same brush, buddy..."

"Well, it's a little too late for that, isn't it?" I snarled.

A female officer interjected and told us someone would be with us shortly. That someone would take our statements. Unsure what to do next, she said, “Here, fill out these complaint forms, Sgt Bryant will see one of you soon.”

I piped up, “We’ll stay together, thank you.”

“No,” Came her terse reply. “That’s not how we do things around here.”

I shot right back, “No, that’s how you think you do things around here.” I glared right at her. “We’ll stay together, thank you.”

She shifted her eyes and looked at the floor.

Another uniformed officer soon appeared from around the back, exiting from a small office, “Okay, so which one of you is... Jarvis...?”

I shot a smile at my brother. *They knew who we were.*

We were handed some papers. I’d never filled out a complaint form before. Certainly not against the police. Except, strangely, these complaint forms contained a sheet labelled ‘*Witness Statement*’. It was all very suspicious.

Soon, we were in a small interview room with what appeared to be a higher-ranking SPS member. He introduced himself as Sgt. Bryant. He started asking the most juvenile questions and then began arguing with us about the supposed *facts*. He was quite proud of himself. He mistakenly believed he knew more about the original incident than we did. He thought he had all the answers.

Within moments he was accusing us- “You didn’t have insurance. You have-to-have insurance. It’s the law-”

“That’s funny,” Jarvis remarked. “I can have insurance if I want insurance, it still doesn’t allow police to beat up my brother for no reason!”

“I don’t know where it says in the traffic safety act, no insurance, then go to jail!?” I fired right back.

He was instantly on his heels. His eyes got bigger. “One at a time, guys, one at a time!”

I grinned and sat back.

I DID paint them with the same brush. In my eyes, anyway. Just another trained bully. They all act the same. All too happy to play self-righteous, virtuous LAW enforcers. Enforcing the System. I believe they are more like law-aggressors. Antagonizing or provoking until they get called on their own rules, called on their absurd logic. Then, instantly, feign impatience or exasperation. Or worse yet, deflect the concern and take issue with my choice of words or tone of voice. Or worse yet, charge me with crimes I did not commit... Such a difficult job, isn’t it, Sgt. Bryant?

We said our peace, filled out the forms and left. We didn’t stick around for coffee and donuts.

THE POLICE ACT, 1990 (Section 38)

(FORM F)


PUBLIC COMPLAINT

(Section 42 - Municipal Police Discipline Regulations, 1991)

SCANNED

Date Reported: 27-8-2012	Time Reported: 1235	Initial: D
Surname: Stewart	First Name: James	
Home Address: [Redacted] SK	Postal Code: [Redacted]	Home Phone No: [Redacted]
		Business Phone No: [Redacted]
Was anyone involved in the complaint less than 18 years old at the time of the incident? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes, Give Name: _____ Possible third party complaint: _____		

DETAILS OF COMPLAINT

Date: 24-8-2012	Time: 6:30 <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.	
Location of Incident: Shoppers 8th St E.	Police Service: SPS	
Specific Allegations of Misconduct:		
1. ASSAULT + BATTERY		
2. AGGRAVATED ASSAULT		
3.		
4.		
Summary of Incident: Brother pulled over at shoppers parking lot 8th St. voice loud speaker told to get back in vehicle. He was ID himself. I had objections to my brother being arrested put in an bin. He started calling back up I was tackled.		

To register a complaint please complete this form and send swaged forward to your local Chief of Police or to the:
 Saskatchewan Public Complaints Commission
 300 - 1919 Saskatchewan Drive
 Regina SK S4P 4H2

Date: 27-8-2012
 Complainant's Signature: [Signature]

Note: An intentionally false complaint under *The Police Act, 1990* may result in criminal charges for public mischief or obstructing a Peace Officer.

- You will receive a written report at the conclusion of the investigation into your complaint. Where the investigation is not completed within 60 days, you will receive an Interim report on the status of your complaint with a further report every 60 days until the matter is concluded.
- Where a complaint results in a discipline hearing being ordered, you will be advised of the time, date and place of the hearing. You have the right to attend that hearing and to be represented by counsel.

Details of Injuries Sustained From Complaint Incident: Left cheek abrasion nose lip. both ears, back is sore, right elbow abrasion + knees			
Attending Physician:	Address:	Telephone:	Date Attended:
Hospital Attended:	Attending Physician:	Telephone:	Date Attended:
Member(s) Involved:		Police Service:	
1.			
2.			
3.			
4.			
Witness Name:	Address:	Telephone:	
1. Jarvis Stewart	[Redacted] SK	[Redacted]	
2.			
3.			
4.			
Complaint Received by: J.S. Bryant	Location: front desk	Dated: 27-8-2012	



PUBLIC COMPLAINT

SASKATOON POLICE SERVICE

WITNESS STATEMENT

DANNED LINKED
SCANNED

SP2-34
Rev: 02-05-09

Page ____ of ____

Surname: STEWART		G1: JARVIS		G2: DEAN		Occurrence #	
Re: INFO # 37242280	Occurrence: 81887-12	Statement Date: AUG. 27 th 2012	Time Started: 12:00	Time Finished:			

"Please include a detailed account of the event (who, what, where, when, why and how) and where applicable, a description of all involved persons and vehicles".

ON THE EVENING OF AUGUST 24th 2012, AN UNMARKED CAR PULLED IN BEHIND MY VEHICLE AFTER I PARKED IN THE SNOPPERS DRUG MART ON 8th ST. EAST AT APPROX. 6:30 PM. I NOTICED LIGHTS FLASHING, SO I EXITED MY VEHICLE TO SEE WHAT WAS THE MATTER. I IMMEDIATELY HEARD A VOICE OVER A LOUSPEAKER SAY "GET BACK IN YOUR CAR". I LOOKED AT THE PERSON DRIVING, AND CALMLY SAID "NO I DO NOT RECOGNIZE THIS AS A POLICE CAR, AND THE DRIVER NEVER IDENTIFIED HIMSELF THE CAR WAS DAWN GREY WITH NO POLICE MARKINGS. THE DRIVER OF THE VEHICLE THEN GOT OUT OF HIS CAR AND AGGRESSIVELY APPROACHED ME, AND THEN GRABBED ME AND SAID I WAS GOING TO BE CHARGED WITH OBSTRUCTION. I ASKED WHY, HE SAID IF HE WAS A PEACE OFFICER SERVING MY BEST INTERESTS HE SAID THAT HE WAS INDEED A PEACE OFFICER, BUT WHEN I THEN ASKED HOW HE OBSERVED ME BREACH THE PEACE, HE REFUSED TO RESPOND. I WAS THEN DETAINED AGAINST MY WILL FOR A PERIOD OF 15 HOURS, AND SUBJECTED TO CRUEL AND UNUSUAL PUNISHMENT. I WAS DEPRIVED OF FOOD, WARMTH AND ALL MY PERSONAL BELONGINGS.

Investigator Signature: *[Signature]*

Witness Signature: *[Signature]*

"It is unlawful to knowingly make a false report to police."

STATEMENT CONTINUED ON NEXT PAGE: Yes No AUG 28 2012 Time: _____

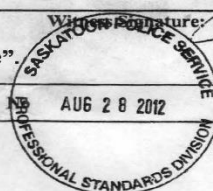


exhibit #25
page 47a

SCANNED (FORM F)

THE POLICE ACT, 1990 (Section 38)

PUBLIC COMPLAINT

(Section 42 - Municipal Police Discipline Regulations, 1991)

Date Reported: 27 August 2012 Time Reported: 12:17
 Surname: Stewart First Name: James Initial: Dean
 Home Address: [Redacted] SASK Postal Code: [Redacted] Home Phone No: [Redacted]
 Business Phone No: [Redacted]

Was anyone involved in the complaint less than 18 years old at the time of the incident? Yes No
 If Yes, Give Name: Possible third party complaint:

DETAILS OF COMPLAINT

Date: 24-8-2012 Time: 6:30 a.m. p.m.
 Location of Incident: Shoppies @ St Police Service: Saskatoon Police Service
 Specific Allegations of Misconduct:
 1. Assault
 2.
 3.
 4.

Summary of Incident:
 Pulled into Shoppies @ St. Voice told to get back into veh. He never ID'd himself. Told to get back in car. When I didn't he grabbed me in an arm bar and called for back up. 8 cops pulled into lot and arrested my brother and I.

To register a complaint please complete this form and forward to your local Chief of Police or to the:
 Saskatchewan Public Complaints Commission
 300 - 1919 Saskatchewan Drive
 Regina SK S4P 4H2

Date: 27-8-2012

Complainant's Signature: [Signature]

Note: An intentionally false complaint under *The Police Act, 1990* may result in criminal charges for public mischief or obstructing a Peace Officer.

- You will receive a written report at the conclusion of the investigation into your complaint. Where the investigation is not completed within 60 days, you will receive an Interim report on the status of your complaint with a further report every 60 days until the matter is concluded.
- Where a complaint results in a discipline hearing being ordered, you will be advised of the time, date and place of the hearing. You have the right to attend that hearing and to be represented by counsel.

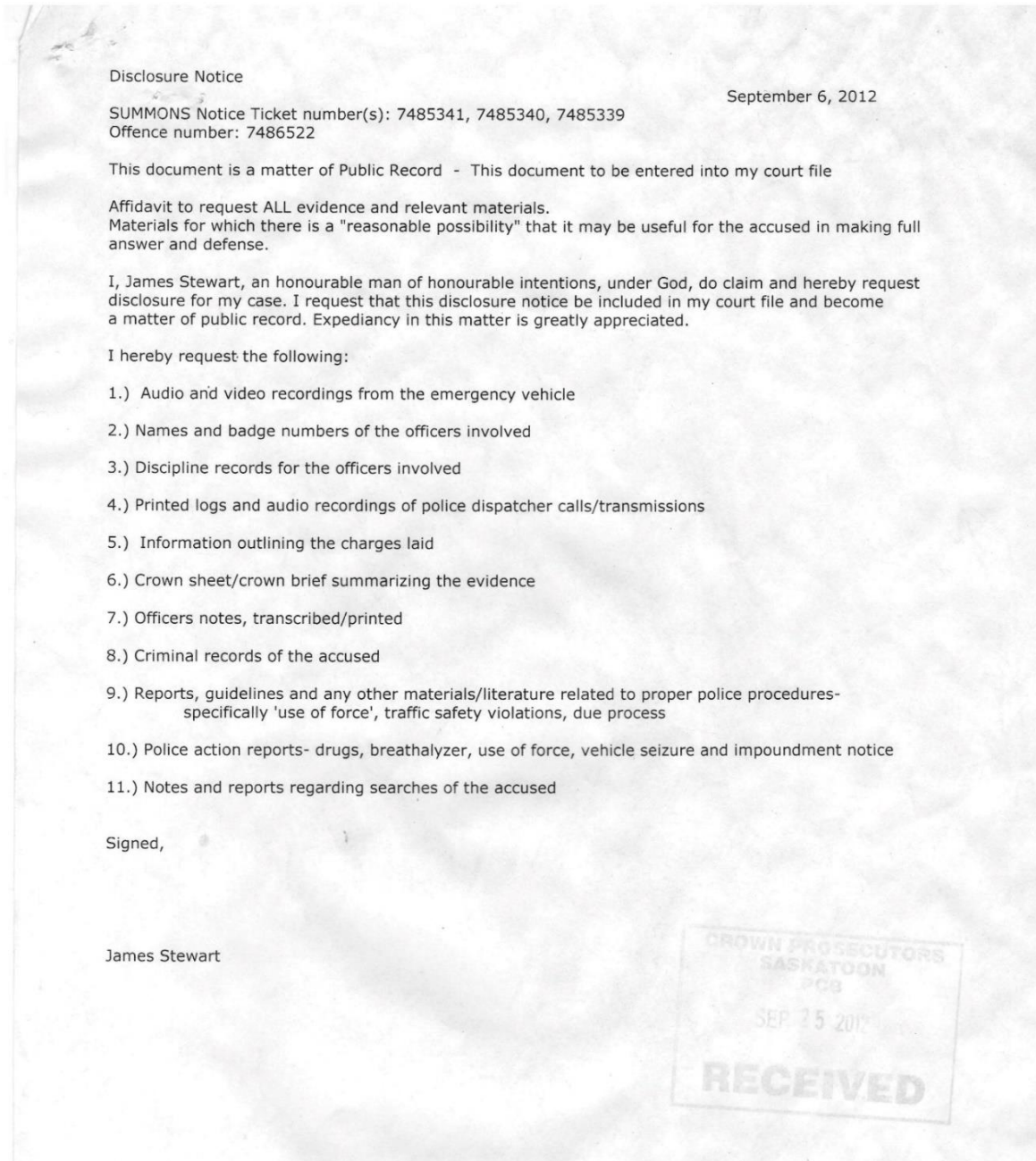
Details of Injuries Sustained From Complaint Incident:
 wrist + back deprived of his rights

Attending Physician:	Address:	Telephone:	Date Attended:
Hospital Attended:	Attending Physician:	Telephone:	Date Attended:
Member(s) Involved: 1. James Stewart [Redacted]		Police Service:	
Witness Name: 1. 2. 3. 4.		Address: Telephone:	
Complaint Received by: S/S. K. Bryant	Location: front desk	Dated: 12-8-27	



Another week passed and we decided to re-visit the cop shop on September 6th. I felt violated and disrespected in a lot of ways. Jarvis and I had spent some time researching the criminal code, what to do when attending criminal court and the specific actions to be undertaken to defend oneself when charged criminally by the police. We were under no illusions as to the contempt these people had for us. Although, by this point, you could say it was mutual.

Sauntering back into SPS HQ that day, I had prepared a request for disclosure along with some other papers, including a description of my version of the events. They were stapled and contained within a manilla envelope.



“Charges have been laid.” The female officer at the desk sneered at us.

“Yes, of course they have.” I sneered right back. “The deed is done. The trap is tripped. It isn’t like you can drop your charges due to the bullshit circumstances, can you?”

Rolling her eyes, she replied. “Is there something I can help you with?”

I calmly said, “I’d like to speak to da’ Chief... Chief Weighill... Da’ Big Chief.” I said it like I’d known the man for over 20yrs.

“I’m sorry, the Chief is busy.” She smiled like she knew it was a lie.

“Fine.” I said and handed her our large brown envelope. “Please see that Clive the big chief gets this. Just so you know that I know that we both know, he got it.” I must admit, I was snarky.

She frowned at me. “I will see that he gets it. Anything else?”

I faked my best smile, “Nope. Just looking forward to getting all the videos!” I turned around.

Jarvis and I walked out.

Chapter 21 - First Appearance

Court was scheduled for September 12, 2012, 2:00pm. Criminal court. Courtroom #4. This wasn't your bullshit, pomp-and-circumstance traffic court. Nope. This was the real deal. Criminal court. Notice to appear. It sounds ominous in a way. I still was in total disbelief. How was this even happening?

My guts were in knots. Court began at 2:00pm. The judge walked in from a locked security door. Funny thing is, to this day, I don't remember anything about the judge. The court note said Ebert and Jackson would be the judges. All I wanted that day was to request disclosure.

We found some seats near the back of the room and settled in.

"Court calls...." And we were off to the races. There were drunk driving offenses.

"Court calls.... Assault.... Court calls...." the names didn't matter. Everything was just fuzz. I thought about the police.

"Court calls... charged with attempted robbery... Court calls... Auto theft. Assault. Possession. Trafficking. Verbal threats... Court calls... another stranger's name.

A man stepped to the front. He had allegedly used bear spray on some people. When he was caught by police, they searched him and found a knife. He looked like he had been there before.

It almost felt like they had converted an old church room, with all the chairs lined up like benches. A clock hung on one wall and instead of stained-glass windows or paintings of Jesus and his angels, there was a framed portrait of the Queen. High on the wall. Right above the judge's seat. The Queen. Our Queen. All hail the monarchy.

It was getting stuffy in the courtroom. After some time, my eyes wandered to the clock. It was now after 3:00... I nudged Jarvis. “Here we go” I whispered. “The games have begun...”

‘Yeah...’ he sighed back.

“Court calls...Court calls.... Is he here today..?”

It was becoming very apparent we were going to be last. No, let me rephrase that; THEY were deliberately trying to make us last. I couldn’t tell you how many people were there, or all the different charges they had to answer for.

The microphone and the court clerk seemed to find a monotone decibel level and stay within it. It was as if the judge was purposefully trying to put us to sleep. There was no way of that. Jarvis and I were anxious but excited. We resigned ourselves to sit patiently and wait. And wait.

And wait.

And wait some more.

I looked at the clock for the umpteenth time. I tried to stay relaxed and play the mental chess game. All the reading I had done, all the library visits and online books I searched. Except, to be fair, it didn’t feel like chess at all. I played chess before. This was beginning to feel more like snakes & ladders.

The bodies sitting in the courtroom chairs slowly began to thin out as people came forward when their names and cases were called. I had never attended a criminal summons. I felt a vibration, like a strange frequency or white noise. I had never been to summary court for anything criminal. Not even a DUI. Heck, I’d never been pulled over for speeding!

Yet here we were, now in court and I truly felt something wasn’t right. Something felt ‘off’. Even though this situation was new for me, I figured it was more than just buzzing on my own adrenaline. Everything was crisp. Like electric. My eyes were sharp and my senses almost crackled.

I had the unmistakable feeling these people did not like us. Not one bit. Taking a deep breath through my nose, I murmured my frustration, “Surprise, surprise bro. Looks like we’re the last ones here.”

“Court calls.... James Stewart...”

I winked at Jarvis.

Showtime. This is really happening. So official. So serious. I can taste their disdain for me. It’s a severe situation. Seriously severe...Haha... Severiously...

But I couldn’t smile. My throat felt tight. I grabbed my jacket and computer bag and stepped into the main aisle of the court room. I approached the bench and stepped up to the courtroom partition. I looked at the judge, a court clerk, a sheriff and the crown prosecutor and her assistant. It was like a movie. There

were a few other sheriffs or deputy sheriffs around, too. Everyone seemed to have their role. Playing their part in the production. I got the very strange feeling they were all there because of us.

To the right of me was the crown prosecutor, some befuddled little woman. She appeared to be in her mid 50's and stood beside a desk covered with countless manilla folders and various papers. She was one of the crown prosecutors. A short, stocky lady with the last name Matchett.

And here I was, in the middle of criminal summary court, and I was telling myself to slow down and take a deep breath.

No worries. I got this. The videos from the cameras will show everything. It's just a misunderstanding.

I glanced at various faces and wondered if I had ever seen any of these people before. Maybe in some strange, twisted circumstance, miraculously perhaps, someone would happen to recognize me. Someone would step in.

“Stop the proceedings!” they would cry. “Wait! We know this guy! It's James Stewart. Everybody calls him Stew! He's cool. He's a stand-up guy! Let's forget all about this silly stuff, and simply drop these ridiculous charges....”

I blinked a few times. Like I needed a reset. It was a most bizarre experience. Almost as though I was standing beside myself, watching the action around me. Like a person on the sidelines. Or having an out-of-body experience.

This shouldn't be happening. I was the one who got assaulted. It was two unmarked cars. Those cars have all the bells and whistles. They are the first cars to get the new equipment. They were unmarked/ghost cars! Purposefully deceptive. How can the cops go after me like this? They were the ones who committed the assault on me!

I took a deep breath.

A voice in my head said, *Get the disclosure and get out. Don't let them trick you into going to trial without seeing what they have against you. Two charges of assault and this bogus obstruction of a peace officer for 'whatever'...This isn't real. This is false and all fabricated. Get the proof...*

I distinctly remember looking at this woman acting in her role of Crown prosecutor. I remember looking right into this woman. Trying to look right through this woman. She wouldn't look at me. Not once. I subconsciously touched the scab on my left cheek, and thought:

It's all going to be on video. The entire incident. I was positioned directly between the two unmarked cars. Even if I'm below the camera view, we will hear what happened. We can hear the audio of what people said to me. Hear my struggle and their shouting.

I could feel myself start reliving the moment. The events. The people. The police. Everything the officers said and what they did to me. Everything I said to them. I felt my hands go clammy.

The me-voice came back, “*Relax, it’s all going to be recorded on their new fancy cameras. The charges won’t stand up.*”

As a crown prosecutor, Matchett had the power to drop the charges. All she had to do was drop them. Right-the-wrong. Heck, she could just ‘stay’ the charges. Put them on ‘pause’. She could end it all right here. Right now.

She wouldn’t even look at me.

“How does the prosecution wish to proceed?” The judge’s voice seemed to echo in the now empty courtroom.

Crown prosecutor Matchett shuffled more papers. It was all she could do to not look in my direction. Her burgundy business suit was quite unremarkable. She seemed so completely immersed in her papers and folders. She was frantically shuffling various notes, files and items around her courtroom table. It was as if she had just lost the single most important paper on the entire desk.

When Matchett finally spoke, it was with a squeaky mouse voice, “Summarily, your honor.” She sat down like she had just climbed a mountain.

The courtroom suddenly seemed quiet and small. They really had waited until we, my brother and I, were the last ones in court. Dead last.

I felt myself wanting to say out loud- “*Wait! I’m not a bad guy. It’s just a big misunderstanding. I didn’t assault anyone. You have it completely backwards. They assaulted me! It’s the other way round. You’ll see. Wait until the police release the footage from their multiple car dashcams. I really am a good person! I didn’t do anything but stand up for myself. It’s all just a misunderstanding. A break-down in communication. A disagreement. That is all. I never assaulted a cop. Let alone two!*”

1000+ posts and messages whizzed through my head in real time as I remembered reading about all the many different people who had been lied-to and mis-informed by the courts. People who were abused by their own lawyers, the crown lawyers and/or judges.

The truth is, how much justice can you afford? These days, whether it was family law or criminal law, it cost hundreds of dollars **per hour** just to have a lawyer represent you, even more dinero when the lawyer made a personal appearance in court.

Who has that kind of money? Hundreds of dollars per hour? I’m not paying into that extortion racket. I will just represent myself, thank you very much. I have the right.

The judge cleared his throat and spoke. “Mr. Stewart, how will you be pleading today?”

And there it was. The hallowed, magic words. ‘*How do you PLEAD?*’

I know you watch TV. I used to watch TV. The movies. It’s so easy to just answer the question directly and simply blurt out, ‘Not guilty’!

However, this is where things get a little more complicated.

Basically, at this moment, if I plead “**not guilty**”, it implies I am ready to go directly to a trial. Which further implies I do not wish to, nor do I need to, see any of the possible evidence which the prosecution will attempt to bring against me. Before pleading, I could easily view the evidence of my alleged wild and physically destructive behaviour.

You know, the sword swinging and kicking & punching cops, and flipping cars over and smashing fire hydrants with my bare hands. And then I would have no choice but to plead guilty.

According to them (and the Law), by making the statement, “Not guilty” it means you’ve now triggered the proceedings to move directly to a trial. You are creating a disagreement, much like a conflict. A conflict which needs to be resolved by a 3rd party, namely, a judge. The fix was in. I could feel it.

They wanted to get me to trial. I did not want to take my chances with a trial. I needed to do everything I could to prevent a trial. That’s how these deceivers like to perceive it anyway. They see this as a game. To be won at any cost.

I was well prepared for this question, and not about to fall for the potential trap. Let me refer to:

R. v. Stinchcombe, 1991 CanLII 45 (SCC), [1991] 3 SCR 326

“There are, however, two additional matters which require further elaboration of the general principles of disclosure outlined above.

They are: (1) the timing of disclosure, and (2) what should be disclosed. Some detail with respect to these issues is essential if the duty to disclose is to be meaningful.

Moreover, with respect to the second matter, resolution of the dispute over disclosure in this case requires a closer examination of the issue.

With respect to timing, I agree with the recommendation of the Law Reform Commission of Canada in both of its reports that initial disclosure should occur before the accused is called upon to elect the mode of trial or to plead. These are crucial steps which the accused must take which affect his or her rights in a fundamental way. It will be of great assistance to the accused to know what are the strengths and weaknesses of the Crown's case before committing on these issues.

As I have pointed out above, the system will also profit from early disclosure as it will foster the resolution of many charges without trial, through increased numbers of withdrawals and pleas of guilty. The obligation to disclose will be triggered by a request by or on behalf of the accused. Such a request may be made at any time after the charge. Provided the request for disclosure has been timely, it should be complied with so as to enable the accused sufficient time before election or plea to consider the information.

In the rare cases in which the accused is unrepresented, Crown counsel should advise the accused of the right to disclosure and a plea should not be taken unless the trial judge is satisfied that this has been done. At this stage, the Crown's brief will often not be complete and disclosure will be limited by this fact. Nevertheless, the obligation to disclose is a continuing one and disclosure must be completed when additional information is received."

I took a deep breath and swallowed.

Make no pleadings. Just ask for disclosure.

"All I need is... Disclosure." I exhaled out loud.

"Yeah! Ha! Heh-heh!" Behind me, a sand-papery voice laughed.

I froze, somewhat startled by the unnerving outburst.

I instantly turned my head and saw a man sitting in the middle of courtroom, a number of rows back. He had on his head an old grey/green foam fronted 'trucker-style' hat with mesh sides. His long, greasy, salt and pepper hair fell around the top of his shoulders. Once upon a time, the now stained t-shirt he wore could easily have been white.

I'm pretty sure I did a double take. I was convinced he wasn't there when we entered earlier. He certainly wasn't there when I stood up to approach the bench. I was there the entire time. Jarvis and I sat in the rear with our backs to the wall.

There was no one between the judge and the prosecutor except the benches and partitions of the court room itself. The last two people remaining in the courtroom were myself and Jarvis. I had to re-focus for a moment as my subconscious turned into a curious 5yr-old child.

Who is THAT guy? Where did he just come from? What is he doing here?

I shook my head, took a breath and continued. "Before I enter a plea for these charges, your honor, I want to see the evidence. I want... disclosure."

I didn't even know if I was saying it correctly. Was it said, "I want 'the' disclosure?" Or simply, "I want *disclosure*?" I tried to swallow.

Whatever term they called it, I didn't care. I wanted what I considered was the evidence. I was convinced I was faultless. I was convinced the police were not allowed to do what they did to us. Especially to me. I felt I was correct about my rights being violated.

I never thought about suing the police. I simply couldn't wait to get my hands on the dash-cam recordings from those various police cars. I knew the truth was out there! It HAD to be.

The judge appeared visibly perturbed. He spoke in a low voice to the prosecutor and the court clerk. They, too, seemed unamused. More murmurs and low voices.

But then, just like that, I had my next court date! Now adjourned until Sept 25th at 9:30am, courtroom #9. It was now referred to as Case Management, or Criminal Trial Mediation.

Was it that easy?

I was excited. It felt like a success. Heck, I considered it a success!

My mind went back to that evening of the incident.

How many cars arrived there? How many cops? How many cameras did they have in those cars? Front, back, side to side? I will get disclosure! I will get the video recordings of the entire incident! Hopefully I can find out how many cops jumped me. Especially the one who pulled my arms and whomever kneeled on my head!

I politely took the papers from the court clerk and turned 180 degrees to leave. But before I exited down the centre aisle and out of courtroom #4, I tried to sneak a look at the man who laughed.

There he sat. Middle of the room. His unshaven face and salt & pepper hair obscured his looks. Though he looked greasy. I adjusted my briefcase bag and glanced over again at this somewhat bedraggled looking individual. We didn't make eye contact, but I felt him looking at me.

“Ha! Heh-Heh!” His smoker-like laugh sounded more like a cough.

Was he laughing at me? Or is he intoxicated and laughing at random? When did he show up!?

I quickly made for the double doors and quietly exited the stuffy courtroom. Pushing through the doors I found myself back in the hallway, where the air seemed cooler. A few people meandered around the far end of the main hallway. I took a deep breath that seemed to go to my toes. Taking a seat by a big window, I looked at the new court papers.

September 25th was only 13 days away.

I felt alive. It wasn't too long before Jarvis came through the same doors, and I got up from my seat.

“How'd it go?” I asked.

“Good. Same shit as you.” He smiled, “They sure act funny when you ask for disclosure, eh?”

I smiled in agreement.

We quickly made our way down the hall and into the Saskatoon courthouse main entrance foyer. It was our turn to leave through the ‘EXIT’ set of doors opposite the now glaring East German Stasi border-checkpoint guards and their obnoxious x-ray machine and metal detectors.

Outside, after enduring the stale courthouse, the late summer air was fresh. I inhaled through my nose. Cool, fragrant air went into my brain, instantly relaxing me.

We decided to hang a right and headed up 2nd Ave South. Our next thought was to hit Midtown Mall for a quick debrief and some food.

While walking, I could feel the cold sweat that clung to the back of my t-shirt after sitting in court for so long. I half-shivered. It felt like I had just given an important speech. “Well, I am so glad that is... over.”

Jarvis exhaled and quickened his pace. “Yeah, totally bro. Glad to get that over with and out of the way.”

I smirked and adjusted my bag strap over my other shoulder. Sarcastically, I said, “And oh boy, we get to come back again! In like, only two weeks... Fun!”

Getting serious for a moment, I added, “I still can’t believe they are going for it, though. You know? What do you think? They will string us along and see how serious we are? Then probably drop it?”

He ignored my questions completely. “Hey, did you see that guy?”

“Huh?” I had to switch gears. “Oh, you mean that greasy, old guy? Yeah, strange, eh!? Where’d he come from? Like, next thing I know, there’s a crazy dude, just sitting there-”

“Yeah, and he started laughing at you.” Jarvis chuckled.

“Right!?” I was feeling jovial and more relaxed with every step. The fresh air was helping my head. “Weird though, I never saw him walk in. Did you? He just sort-of appeared, eh? And then... was he actually laughing at me?!”

“Haha, totally.” It was my brother’s turn to laugh. “You know who that guy was?”

I shook my head. “That dude? Uh, no. No idea? Should I? You mean like an undercover (cop)? Like a narc or something?”

“No.” He smiled.

We walked onto 2nd Ave South, heading north.

Still puzzled, I remarked sarcastically, “He wasn’t no reporter, bro, I know that...”

Rhetorically, he quipped. “No, that guy was no reporter, bro. You know who that old guy was?”

Jarvis was now smiling ear-to-ear. He cleared his throat for maximum effect.

“That guy was Jesus.”

Chapter 22 – Case Management #1

Sept 25, 2012. 9:00am

Courtroom #9

1st Pre-trial Case Management Session/ Criminal Mediation

Introduction to Judge Albert Lavoie, SK Provincial Judge

(I did my best to track down recordings and transcripts of these mediation sessions through the proper court channels, but was ultimately unsuccessful.)

The next round of pre-trial mediation, or case management, happened September 25th. A month to the day we got out of jail. As we walked into the building, I could feel bad energy. Negative vibes. After dealing with the x-ray machine and security, we took our seats. There were court clerks and sheriffs, sheriff deputies, and an older woman sat off to the side, her face locked in a scowl.

Moments later, “All rise!” It was Ms. Scowly-Face.

She made her way to a heavy, locked door at the back of the courtroom, behind the judge’s bench. She pushed the entry-lock buttons in the correct sequence, and it opened with a loud click.

She turned and addressed the court. “Judge Albert Lavoie, presiding...”

A short, thin, older man with white hair and glasses, dressed in a black robe and a white shirt stood in the door frame and immediately entered the court.

She closed the door as the judge took his position.

“Please be seated...” she said, and we all sat down in our chairs.

Upon taking his seat behind the bench, Judge Albert Lavoie seemed in a foul mood and made no attempt to hide it. He proceeded to chastise us and attempted to pervert our appearance as unnecessary and a total waste of his and the court’s time. It was obvious to me something was amiss. He was very abrupt.

Jarvis immediately rose and objected, “Your honour, we came here for disclosure and ...”

“Mr. Stewart” Lavoie bellowed and attempted to follow it up with some veiled threats about conduct and respecting the court.

It was obvious something was brewing. This was a bluff of some sort, to see if we would play into the Freeman of the Land/ Sovereign Citizen role and denounce the entire proceeding. Tell them we were living beings of flesh and blood with a heart. Tell them I was not the corporation known as JAMES DOUGLAS STEWART. It felt like an attempt to instigate a heated exchange in court and compel us to make outlandish claims. Or wave our hands and refuse to recognize the court altogether- its laws and jurisdiction over us.

I believe, their strategy was to charge us with contempt of court. Make an example out of us. Show them how violent and crazy we were. It was obviously a cheap trick or bluff, to see if we knew what we were up against. See how we would re-act. Perhaps put a quick end to it all, thus quickly deny us the opportunity for truth and justice.

It really felt as though they all believed Jarvis and I were violent extremists. We chose to stick to our guns- as Canadians, as proud, patriotic Canadians. Patriots. Call us self-represented, Canadian patriots, to be precise. Lavoie was clearly incensed.

Jarvis stood up and reciprocated, pointing his fingers around the room, making eye contact with a clerk and some sheriffs, saying, “I’m gonna sue you, you, and everyone else here in their personal capacity...”

Peoples’ mouths fell open. Sheriffs sprang into action and bustled around behind us. It was like Jarvis had taken their crayons away. If I had eyes in the back of my head, I would have seen those sheriffs pounce towards us from the back of the court.

Lavoie bristled and attempted to silence Jarvis, but instead, was forced to wave his hands awkwardly and call off the dogs, “Ah, stop- Nooo!” He exclaimed to the armed men.

Lavoie nearly lost his composure along with the court room! He saved Jarvis from getting swarmed by sheriffs. I did the only thing I thought would look the least threatening. I calmly leaned forward in my chair and put my forehead on the table. Forehead fully touching the table, I didn’t say a word.

No way could they say I was fighting or acting aggressively. No way I’m lifting my head from this table or moving my ass from this chair.

There were brief sounds of commotion and people moving about. Moments after I put my head on the table, some woman (probably Ms. Scowly-face, again) yelled, “You! Sit-up! Sit-up, straight!”

She must be speaking to me.

You can’t win with these people. They are so righteous. So obvious in their indignation toward you. Their pomp and circumstance. The procedural bullshit. It felt almost too much. It seemed excessive. The System we operate under uses statute law or merchant law (of the sea). These players, actors within the System, I call them the *Deceivers*. They get nervous when people start catching on to their cute little *game*, their sneaky, underhanded scam.

I raised my head from the table just in time to watch Lavoie abruptly turn 180 degrees and storm out.

“Oh...Ah, all...All- r-rise!” Little Ms. Scowly-face shrieked, caught off-guard. People rose. I barely got my butt out of the chair, but Lavoie was already gone. Poof! Just like that.

In the preceding weeks, when we were reading about various court actions and behaviours that judges typically engage in, it even mentioned situations that would arise about that. It typically occurs when the judge gets caught standing in the wrong jurisdictional arena (i.e. Common Law vs Admiralty Law).

Without going into too much detail, call it my speculation, but I think they all expected Jarvis and I to start using Sovereign citizen or Freeman/Strawman arguments. The difference between you the human with a heart, and your name, all in CAPITAL LETTERS, representing a corporation. Your strawman.

I’m no expert, but it is my belief the court tried to put one over on the Stewart Brothers. And we let the cat out of the bag, instead. Perhaps they got caught with their pants down? Either way, it was more of a spectacle to me. Afterwards, I looked further into a judge physically vacating the bench. It is considered as though the judge “abandoned ship”. Hmm, Maritime admiralty law, and a ship? You don’t say?

“This court stands... adjourned for-for... fi-five minute recess!” Ye olde, scowly-bitch of the court nervously stammered.

I sat back down and softly murmured, “What a good start-”

“What an asshole!” Jarvis loudly said to the ceiling.

Everyone heard him, though no one said anything.

I thought it was funny. Honestly, it was very surreal. I looked around the room at these B-movie actors. Just a bunch of clowns. They say that life is a play, and all the world’s a stage, complete with plotlines and bad actors. The Stewart Brothers, the patriots. A couple of grinders. We were the *bad* guys.

These people are really going for it. You can feel it. See it in their eyes. To them, we were some kind of threat. An enemy of the State.

I heard the sound of spurs. I looked behind me and four sheriffs and/or deputies all stood, menacingly, with their arms crossed, blocking the doors of the courtroom. I thought about my grandfather and our

movie-time together. And there I was, a character in the twilight zone. Caught in a black and white western movie. The quintessential old run-down, dusty town, out in the middle of nowhere, maybe stuck near a train station. Pan across the main street with the hitched-up, saddled horses and rolling tumbleweeds. Zoom out to reveal the Sheriff's office and jail, complete with crooked judge, rotten sheriff and his deputy.

So strange.

The old woman collected herself, and the court room settled down. "All rise!" she glared right at us.

We repeated the procedure, again.

Judge Lavoie calmly re-entered the courtroom and proceeded to get down to business- as if nothing had ever happened! In my early moments of assessing this man, I didn't like his frown. To me, he instantly came across as an asshole. A frowny-faced asshole.

However, it wasn't long before my opinion of him changed. Not for the better. I concluded Judge Lavoie was purposefully acting biased and hostile. Ill-tempered yet smarmy- which made it that much worse. I cannot stand smarmy. The word patronizing also comes to mind. To get a better picture of Judge Lavoie, think of the character Oscar Leroy, from the Canadian TV series **Corner Gas**, played by Eric Peterson. But smarmier. And smaller.

It is my belief that the people propping up the System are all vile. I leaned over and whispered to Jarvis. "It's all these people can do. Frustrate and distract us, or antagonize us over certain things yet keep blaming us..."

"Projectionism, bro." Jarvis said matter-of-factly. "Accuse your opponent of that which you do, or plan to do. Playbook of that Saul Alinsky guy..." His attention was now solely focused on the man stationed beside us.

At the crown's table sat Senior Crown prosecutor Robin Ritter. He was a large, portly man, probably in his late 50's with salt and pepper hair and a black mustache with goatee.

Ritter stood, and him and Lavoie began mealy mouthing around, speaking softly, using legal words and courtroom jargon. So smarmy. It stunk. Grown adults, acting like children- planning a pool party, but only for the *cool kids*.

Apparently, the police audio/video recordings, basic records like use-of-force reports, records for installation of camera equipment and/or receipts, officer misconduct reports, internal officer discipline notes or internal memos regarding suspects' rights, as well as witness statements, police database searches at the scene, the complete set of numerous SGI searches, etc. were all currently... unavailable.

Basically, everything from my notice for request of disclosure- dated Sept 6th.

Lavoie and Ritter were pushing the notion that the defense seemed to be asking for an "*inordinate amount of material*". Ritter made specific comments about our evidence inquiries as "*Not normal or reasonable requests...*"

Followed by more legalese and mumbo-jumbo. And smarmy. Smarmy aplenty.

“Well, it appears this would be an issue best left for trial.” Judge Lavoie spoke, turning his attention to us.

My brother and I just stared at each other. Dumbfounded.

I was the first to speak. “Uh, we don’t have the disclosure.”

Jarvis stood up. “Your honour, we don’t have anything that even resembles actual evidence. Nor do we have-...”

Lavoie was quick and abrupt with his reply, “Well then, you’ll have to go see the prosecution’s office and get it. Court is hereby adjourned.”

I don’t even think we were in court for 20mins.

This was the beginning of our introduction into representing ourselves and the inner workings of the Canadian criminal court process. I had the overwhelming feeling the crown and judge were just delighted in themselves for making things difficult for us.

Another day wasted and our requests still unfulfilled, we quickly and quietly left the courthouse. We had some time to kill before another friend, who lived in our town, could pick us up on his way home from work.

In the meantime, we made plans to hang out at another friend’s place in the city. I called him quickly to confirm we would be there shortly, as Jarvis flagged down a passing cab.

After some cordial ‘*Hello’s* and ‘*How’s it going?*’ Jarvis and I settled in the backseat for the short ride across town. Sitting behind the driver, I caught him looking at my face in his rear-view mirror. The scab on my cheek, though quite noticeable, was healing nicely.

Attached to the top of his mirror was a camera, not much bigger than a large box of matches. I read the cabbie’s name from the cab license, covered in clear plastic and plastered to the rear of his seat.

“So, Ahmed...” I made eye contact with him in his mirror. “I notice you have a camera on your mirror.”

He replied, “Oh, yessir.” in a distinctive, middle Eastern accent.

“Do you need a camera when you drive your cab?” I continued, very politely.

“Oh, yessir.” He replied again. He pointed. “I have many camera.”

“You don’t say...” I looked at Jarvis and smiled. He smiled right back.

Ahmed began to explain, still looking at me via his mirror. “Yessir... You see? I have camera here, camera there. Camera everywhere...” he smiled, proudly pointing around the car. “If I no have camera, I no drive cab!” His finger shook for effect.

“Isn’t that interesting...” Again, I looked at Jarvis, winked, then back to Ahmed via his mirror.

“I got beat up by the cops. In front of their cars”. I touched the scab on my left cheek for effect. “Two unmarked cars, like what they call ghost cars, Ahmed.”

His eyes locked on me with greater intensity. I continued, “But now the cops say that there were no cameras. Their cameras were not installed, or...” I paused for effect. “The...the cameras were installed, but failed to function... They were not working.”

His eyes widened and looked bright against his dark complexion. He raised his finger, before excitedly speaking, “No! Th-That is some bullshit, my friend!”

-/-

Because we lived ‘out of town’, well outside of Saskatoon city limits, the Crown prosecutor’s office was *uncomfortable* sending our requested disclosure materials in the mail. As such, we were obligated to head into Saskatoon to personally visit the Crown Prosecutor’s office ourselves. How convenient for us.

Basically, the legal term for your right to know about the evidence relating to your charges, is “*disclosure*.” Everything we had been reading about- court procedures and defending oneself against a prosecution- mentioned disclosure and the legal/lawful requirements of (crown/state) prosecutors to provide evidence or *disclose* the incriminating proof of your transgressions. Reasonably so, under the law, the Crown prosecutor must give you a copy of all the relevant evidence they plan to use against you, well before the date of your trial.

Relevant evidence means anything that you could use to defend yourself. Disclosure basically amounts to any-and-all information/material the crown may or may not be using against you, the defendant, to state their case and attempt to prove your guilt and thus secure your conviction.

It was now October 8th, 2012, barely six weeks since the ‘*incident*’ in the parking lot, and getting our disclosure...well, trying to get disclosure, was already proving to be a challenge. With a lot of, how should I describe it? Hmm, *shenanigans*- will suffice.

We wanted the audio AND video. Since when does a video camera, not record any sound? Oh yeah, when all the evidence proves the innocence of the Stewart Brothers. How convenient for them. Missing audio files... So, no audio. Missing video files...So, 1 video, from 10 cars...? All with front and rear cameras? No audio from detention cells? No audio from the booking desk? What about the 2nd unmarked car? What about all the other cars? Multiple vehicles arrived at the scene that evening. We would later learn a total of ten SPS vehicles made their way into the parking lot that evening.

I smell a rat. This is not rocket-surgery. I felt like my cab driver, Ahmed. “Oh, this is some bullshit, my friend!”

Peace officers, better known as Police Officers, better known as Cops, act as enforcers of this nation’s laws. Consequently, sometimes Police Officers experience threats of danger and face potential harm or suffer actual harm. I get it, it’s a dirty job (*but someone’s gotta-do-it, amiright?!).*

These men and women, swear an oath to uphold our Canadian Values. The police, and many others, like the military and EMT/First Responders provide our society a great service. They help keep us safe.

For this we pay them and give them benefits. Benefits like pensions and dental. And when there is doubt, we give the police the benefit of that, too.

We give the Cops great authority. We allow them greater privilege. We give them the privilege of authority- to wear shiny badges, drive shiny cars and carry shiny guns. The badge. The gun. Actually, two guns now.

With these modern days of improved technology, police officers have what is referred to as an ‘Energy-Conducting’ weapon, like a “*Taser*” along with their standard-issue sidearm, typically, a 9mm semi-auto pistol. Presently, thanks to modern technology, the shiny and ubiquitous steel-framed, wood handled, 1950’s era, 6-shooter service revolver. Probably a .38, is now a blacked-out blend of steel, synthetic or polymer materials wrapped around a high-capacity magazine housed on a semi-automatic receiver and frame.

We supposedly use taxpayer money to give the Police Officers bullet proof vests and armoured cars. Many police forces have an airplane to look down on traffic/suspects and “*walkie-talkie’s*” so they can speak to one another when out in the field. They have attack dogs they can call upon when they are too tired to run or too uncomfortable chasing suspects into potentially dangerous situations.

They have big, blacked-out cars equipped with military-grade video cameras, on-board computers with Wi-Fi, upload/download capabilities, GPS and of course, the ALPR-*beep-beep*. They have radios, coloured lights, sirens and loudspeakers. Most cars are equipped with a 12ga. Pump-action shotgun and/or a black **AR-style**, fully automatic, complete with high-capacity (30rd) magazines, *assault rifle* (AKA ‘*people-killing*’ rifle).

My point is, these police vehicles, both marked and ‘unmarked’, are all outfitted with the latest in technologically advanced, military-grade, state-of-the-art tools. Unsurprisingly, the best tools that money can buy.

We, as a society, use technology to defend (or aid in our fight) against violence and criminal occurrences. We use technology to better protect ourselves. We use technology to help protect the people who help protect us.

These protection enhancing tools are purchased from annual budgets and state supplied resources using taxpayer money. Dare I say it, good money for good tools. Perfectly acceptable in my eyes. Police Forces need to spend good money on good tools and good equipment to protect THEM in the line of duty- *The Thin Blue Line*. I get it.

However, that very same technology and equipment is also used for the public’s protection. That equipment should have been there for my protection, as well. Yet strangely & mysteriously, it wasn’t. Or it was, but it didn’t work. Which is just a fancy way of saying it wasn’t there in the first place.

The truth of the matter, in my eyes, was Constable Keating and company had messed up. They put the cart before the horse. The *incident* in the parking lot turned into a fiasco. I protested certain aggressive actions and attempted to exercise my rights but got assaulted as a result. Then ultimately charged with crimes I didn't commit. They forgot their very own rules, forcing themselves to work backwards.

According to them, the first two cars on the scene, along with eight other vehicles that poured into the parking lot (ten vehicles total, according to the official SPS G.P.S. tracking-records), did not record much of anything. Reasons given were recorded officially in court as "...for *some unexplained reason*".

Any audio/video that SHOULD have been recorded, all magically disappeared, or mysteriously malfunctioned. Somehow it 'just wasn't working at the time'. Somehow, it had yet to be installed. Or, it had been installed, but somehow, was never activated or powered on. The officers' wireless microphones did not correctly sync-up to their receivers, either. The end result? No disclosure of audio/video from the scene of the *incident*.

Somehow, for a myriad of unreasonable reasons, the million-dollar technologies used to protect the cops, did not exist to protect me.

Chalk it up to technological limitations, operator failure and faulty test-phase equipment, I guess.

Chapter 23 - The Stakeout

My Ford Ranger had been out of the shop for a few weeks now and I was determined to take it into town for our next case management session. Further, I refused to purchase new insurance out of spite. As far as I was concerned, the Traffic Safety Act wasn't worth the paper it was printed on. The cops who enforced it, didn't ever follow it, so why should I? I wasn't driving (engaging in commercial enterprise), I was merely travelling in my own personal conveyance, to deal with a personal legal situation.

I paced around the house before we left. I was stressed. Angry. Frustrated. I started talking out loud, "If you don't stand up for your rights, who do you expect to stand up for you? If you don't know your rights, how can you exercise them? If the cops don't know & respect your rights, how can they protect them?"

"Those are all good questions, bro." Jarvis replied as he gave the last bites of his pop-tarts to a drooling Jake and Casper.

I continued, "They really are going to pretend there is no video...Or, or just 'some' video... but all the audio is missing!?... Just missing? Not working? Its a joke! Not sure what these people are capable of. I got a bad feeling. Just an off feeling. Let's leave early, bro. My Spidey-sense is tingling. They know I haven't put insurance on the truck. Let's leave early. Give ourselves plenty of time to get downtown."

He agreed, saying, "Before we leave, I will grab the video camera. I charged it last night. Their cameras may not work, but ours certainly does." Jarvis headed upstairs to the office.

We said our goodbyes to the dogs and hustled into the Ranger. It was another cool, grey day in Saskatchewan, and we made good time heading up the empty highway, passing Blackstrap Lake and the

town of Dundurn before approaching Grasswoods Rd., just south of Saskatoon. I had been anxiously checking my mirrors the entire trip. Smooth sailing.

Then, far behind us, like an apparition on the horizon, a vehicle appeared. I thought nothing of it, until I checked my side-door mirror. The vehicle was closer. Much closer. And closing fast. My heart sank.

Sigh...I was right. It's happening.

The menacing profile of an RCMP SUV came into focus. The rack of lights on the roof and heavy-duty, push-bar bumper out front left no doubt. There was also no doubt it was travelling at a high rate of speed and quickly approaching my truck.

After my heart sank, my mind went blank. Though only for a moment.

He's been speeding the whole way...Yeah. It's the cops. Are they looking for me? They probably know I didn't put insurance on the Ranger. Is this really happening!?

The RCMP SUV closed on our position. I slowed down to make the left turn from the highway to enter Township Rd 360. From there I quickly made a right turn onto Range Rd 3051. Directly north there was a Shell gas station (Now it's a Petro-Can) and Subway sandwich shop.

I took a deep breath. Jarvis could tell something was up, yet hadn't picked up on the trailing SUV, closing fast. I motioned to his side mirror. "It's the cops, bro. Probably the RC's. Let's hit Grasswoods-I'm gonna blast over to that Subway. You get out and go to the gas station."

Did they really set-up a stakeout? Is this really happening?

I took another quick glance into my rear-view mirror. I slowed, made a right turn immediately followed by a left and found myself entering the south end business park. "Maybe they aren't after us. They out looking for real criminals..."

Jarvis didn't laugh. "You can't be serious?" His eyes locked onto the SUV now reflected in his side mirror. He couldn't believe it, either. "Really, bro? Fack sakes..."

The RCMP SUV slowed, and it too, made a left and crossed the divided highway. Once again, it sped up, making a right and quickly approached the parking lot.

I drove into the parking lot, pulling right up in front of Subway and quickly turned the ignition off. I gazed into my door mirror. The menacing SUV, with its black tinted windows, came to a stop at the stop sign and then drove quickly into the entrance of the parking lot. I then peered over my left shoulder, and saw a second, similar looking RCMP SUV, approach from the opposite end of Grasswoods Rd, near the Esso Truck Stop.

It, too, pulled into the same parking lot area. They weren't looking for someone else. They were there for us. Jarvis hopped out and made tracks to the gas station as I attempted to casually exit my truck. I slammed the Ranger's door shut and without looking in their direction, pushed open the door to Subway and stepped inside.

There could have been a bell on the door, but my heart was beating so loudly I wouldn't have heard it. I watched from inside the door. The second RCMP SUV stopped, reversed, and parked beside the first one. Both vehicles now faced the same direction as my Ford Ranger, facing me, across the parking lot. Due north. I attempted to order a fountain drink and cookies. The SUVs were Ford Expeditions, or Chevy Yukons, I believe. Possibly one of each.

Moments later, ominously, a lone, dark, unmarked police car arrived. It was driving east up Grasswoods road- directly from where we would have been heading (west) had we not stopped at the Subway. It slowly drove into the parking lot and crept up to the two parked RCMP SUV's. It idled momentarily, before positioning itself wide across the far entrance/exit to the subway parking lot/gas station. Not coincidentally, exactly where I had been hoping to leave. We were now getting blocked in.

'Fack sakes'... I whispered to myself as I fumbled for change in my pocket, paying the woman behind the counter.

The parking lot is an accessible 2x lane area before the gas station for people to better access the Indigenous Cultural Centre and small business park. I proceeded to fill my cup and after snapping down the lid and grabbing a plastic straw, I looked to that direction for a last possible way out. As if on cue, two marked Saskatoon police cruisers- Crown Victorias- appeared. They conveniently happened to stop inside the gas station parking area, just inside the main lot so as not to completely block the business park laneway. They stopped.

Jarvis and I were now completely boxed in by a total of five SPS and RCMP vehicles. An unmarked SPS car, two marked SPS cars and two RCMP SUV's. I took a sip of my cold iced tea. It gave me a chill, but it was probably just my nerves. I stood inside the glass door and tried to collect myself.

Time to get serious. They are here to mess with you. No other reason. They do not like you. They probably will try to take the truck...The cops! And the RC's!? How'd the RCMP get involved? This is madness! Just get in the truck and wait for Jarvis.

I took some deep breaths, another sip and pulled open the door. The air felt colder than before. I stepped into my Ranger and waited for Jarvis. He hadn't left the gas station yet. My head pivoted around like a fighter pilot's, scanning the area for additional *'incoming bogeys'*.

A door to one of the marked SPS Crown Victoria cruisers opened, and I saw a uniformed cop slowly get out. I felt a rush of blood to my face. "Just raring to go, aren't you!?" I said to the steering wheel.

Surveying the area again, I saw Jarvis appear from around the corner, a coffee cup in his hand.

Seeing the additional cars, a look of dread befell his face. I saw him stare directly at the two SPS marked police cruisers. He too, was surveying the parking lot as he approached the Ranger. Hoping for an escape route. Opening the passenger door, he looked at me, his eyes wide. He tilted his head and hopped into the truck.

He let out a big sigh, "Are you fucking kidding me!?" The look on his face was priceless.

There was an eerie silence inside the Ranger. “Not kidding, bro.” I said, and played around with the shifter. “This is crazy.”

He chuckled, changing his voice and shaking his finger for effect. “This is bullshit, my friend!”

I didn’t smile. One SPS cop started walking towards my truck. Three RCMP officers got out of the two SUVs. The SUV that was trailing us held a lone occupant. He was short, with short, grey hair and older. He would later become known to me as RCMP Constable Ray Bouchard.

The second RCMP SUV contained 2 cops. They, too, began to walk towards the Ranger. I did not know them at the time, but they were RCMP Sergeant Bruce Janes and Constable Tyler Zurmiac. I took another deep breath.

“You were right, again, bro...What ya’gonna-do?” Jarvis asked, his eyes now wide.

“No idea.” I said, starting the truck. “Try to drive on outta here... I guess?.. Hey, uh, get that video camera ready, will ya?”

I pulled the gear stick into reverse and let the clutch out, backing up, slowly.

Jarvis quickly reached for his backpack.

All three RCMP officers double-timed it to my Ranger. Constable Bouchard approached the quickest, stepping right up next to my window, finishing in first place. It wasn’t even 8:00am.

Let the games begin.

Incredibly enough, as the situation unfolded, we learned the SPS and the RCMP worked in co-operation to run a special exercise on the Stewart Brothers that morning. It’s as unbelievable as it is true. Do you believe me?

I never would have believed it, had it not happened to me. And I still don’t believe it!

Thankfully, Jarvis got most of it on video. Don’t believe me? Thank God he brought that video camera!

I glared at them and did my best to remain calm. After exiting my Ranger, we all squared off in the parking lot. They were there to take my truck. More specifically, they were there to take my truck to directly prevent us from attending court. Or, delay us just long enough to miss our court *appointed time*. I was keeping my composure, but inside, I was furious. There were three RCMP cops and four SPS cops. I don’t think we ever got the names of the attending SPS officers, but we got their badge numbers.

I closed my eyes for a moment and focused. I cleared my throat and looked right at Sgt. Janes. “You know you can’t take my truck. Nothing I am doing today is against the law. But what you are attempting to do is AGAINST the law! This is extortion. This is theft. But worse, you are now committing obstruction of justice. You all know very well we are on our way to court.”

I knew my rights.

I knew the rules.

I continued, “You are actively preventing me from attending court. This is court appointed time. Official business, eh? This is the very definition of obstruction! I am literally seeking justice! What is your name, anyway?”

Things were not going well. I tried to talk a big game, but they weren’t having it. We were out manned and certainly in a bad situation. I turned to Jarvis, who was reading my mind. He knew exactly what to do.

Well, you should have seen their eyes light up when Jarvis reached into his bag and pulled out his video camera. Like a rabbit out of a hat! Like the angels in heaven were singing our praise. Game changer.

What’s up now, bitches!?!

Completely caught off-guard, they told us they had been ‘advised’ by the SPS that we would be attending provincial court. I wanted names. I wanted them now. Janes grabbed at the patch on his jacket and tried to look at it, as if he’d suddenly forgotten his own name.

The patch said, B.D. Janes. His eyes were wide. Janes was obligated to do something, and he knew it. The cops all looked at each other. He looked like a deer in the headlights. I focused my gaze. I knew that he knew, and now I had his complete attention.

I went on, “See, we are on our way to court right now (*I wish I had said ‘meow’*). For ironically enough, a BS obstruction charge (*I did not mention the 2x assaults of police officer charges*). I was not speeding. I have not driven unsafe. You are now attempting to seize my vehicle and have not even asked me if I’ve been drinking. I’m simply walking out of Subway and...”

“Well, uh, have you had anything to- to drink!?” A now flustered Bouchard, tried to interject.

I frowned, turning briefly to Bouchard. “Really? It’s like 8:00 in the morning?! Thanks pal.” I held my Subway cup full of iced tea near my face and returned my attention to Sgt. Janes.

“If you think you can take my truck, then, at the very least you have to get me to court.” I swallowed. “You need to find us a ride or take us there, yourself.”

I looked right into Janes’ eyes. Maybe he did. Maybe he didn’t. I guess you could say it was a bluff on my part.

I thought I heard the theme song from a “*Fistful of Dollars*”.

After what seemed like an eternity, his shoulders slumped.

“Alright. Get what you need. Constable Zurmiac and I will get you to the courthouse downtown.” He blinked.



Still standing off to one side, Zurmiac looked at Janes and stuttered. “We are? Them- These two?” He snorted. “Huh? I ain’t driving... them.”

Sgt. Janes cut him off. “Yes. Yes, we are.”

We made our way to their SUV. Bouchard returned from his SUV and approached me with a handful of (SOT) citations. I refused to take them from him, and simply snatched my driver’s license from his hand.

He stood there, puzzled.

Jarvis walked around to the driver’s side. He looked right at Cnst. Zurmiac and beamed, “Thanks for holding the door, Tyler”.

I waved my hand to the SPS members across the parking lot and Cnst. Bouchard, beside us. They stood there, completely dumbfounded.

Cnst. Zurmiac was equally flabbergasted. “They... But he’s... huh?” He walked, half stunned, to the driver’s side and reluctantly opened the SUV driver-side passenger door for Jarvis.

The reality of my truck getting stolen from me did not sit well. I grabbed my bag and looked right at the SPS members. They stood there frozen and speechless. I couldn’t help myself and tried to turn this negative into a positive. “Later, shit-birds.” I faked a smile. “We’ve got important places to be!”

Both side doors were now wide-open, and Jarvis and I saw each other across the bench seat through the SUV. We got in at the same time. I had the biggest shit-eating grin you could imagine. I winked at him.

Both rear windows had steel mesh as did the cage separating us from the front. Ah look, another silent patrolman. It was black steel with a rubber-like coating on it. *First time in the back of an RCMP vehicle! Hopefully this would not become a habit.*

“Waaaaait...” It was Cnst. Zurmiac. “Hang on. We have to search you. For your safety and ours. I’m not allowed to go into your pockets, but I have to check you for weapons, like a blade.”

Jarvis spoke first, “You do know we are on our way to court? Right?”

“It’s standard operating procedure.” A clearly frustrated Constable Zurmiac replied.

“He’s right, guys. Sorry, I forgot.” It was Sgt. Janes.

They patted us down, put our bags in the back and we climbed inside, whereby the men closed the doors for us. If memory serves me, there was no inside door handle. Just a black plastic shield covering the inside of the door. I sat behind Sgt. Janes. Once we were settled back in and Zurmiac was driving out of the parking lot, I took a deep breath and said very sarcastically, “Sweet ride ya got here, bro.”

I saw Zurmiac’s knuckles flex on the steering wheel. Was he driving slower? I glanced at my phone. It was getting close to the court start time.



RCMP Officer



SPS Officer

“You know...” I drawled. “You could just put your lights on. Make some noise. We could get there a lot faster.”

Zurmiac shot a quick look at me and smiled, “I’m not about to speed.”

I looked right back at him, rolling my eyes. “No, you wouldn’t want to do that.”

Noticing, he bristled. “You’re lucky you’re even getting a ride!”

“Hey? Maybe..” It was Sargeant Janes, in front of me, riding shotgun. “Maybe..we...How ‘bout we listen to the radio.”

Janes reached with his left hand and turned up the volume. The two of them glanced at each other. I felt like I was 10 years old again, going somewhere with my parents. Someplace nobody really wanted to go to, anyway.

I turned to Jarvis, the look on his face said it all, “*Is this really happening?*”

No lie- The SPS, with the cooperation of the RCMP, had orchestrated an impromptu stakeout operation against the Stewart Brothers. Believe it. With the sole intention of preventing us from attending court. True story.

This is crazy right?! This only happens in the movies...

I was now quite irritated about my (stolen) Ranger. I tried to rationalize the situation. But I knew I had to be sharp in court. This exercise was a great way for them to cause me a good deal of distraction.

Who knows when I’m getting her back? Fack sakes.... Nothing I can do about that now. Stay on track. Focus on court. The Ranger will have to wait.

Soon we were crossing the grey and weathered Sid Buckwold Bridge (Idylwyld Dr). I looked out my right-side window, watching the grey riverbank and nearby grey buildings. We Slowly approached the downtown core.

Jarvis started making rude hand gestures behind Zurmiac’s seat, trying to get me to relax. I couldn’t help but smile. I checked the time, again.

“Hey, so we’re in a Poe-lease 4x4...” My voice dripped at our now obviously frustrated chauffeur. “Ya’know,..” I continued. “You could flash the lights, speed up to the entrance and drop us off at the front doors. Like, drop us off Rock-star style! With flashing lights! Oh, wait, um, do you guys say- You pull-up... You say, pull up like Police-style!? Or SWAT-style..?”

Jarvis put his hand beside his mouth, “Gay style” he whispered, but not quietly.

Zurmiac turned and hissed at us like a frustrated father. “I can drop you off right here!!”

He was clearly not impressed he was driving the Stewart brothers to court.

We finally approached the courthouse, yet Cnst. Zurmiac slowed further. It was now past our scheduled start time. We were late for court.

“You know,” I sighed out loud, checking the time on my phone. “Anywhere will do. We are in an RCMP vehicle after all...”

He ignored me and kept driving. He glanced at the digital clock in his dashboard. We passed two vacant parking stalls.

“Not much for parking.” He said, stone-faced. “Looks like I’ll have to drive around the block.”

Chapter 24 – Case Management #2

October 16, 2012. 9:15a.m.

2nd Case Management Session w. Lavoie

Courtroom #7

(Can only proceed from my memory here, as the court refuses to relinquish my case management audio recordings or transcripts)

We finally exited the RCMP SUV, I was flustered, but we hustled through the metal detectors and hastily threaded our belts back into our jeans before trotting up the stairs. People were milling about. We opened the doors to courtroom # 7.

Lavoie was already behind the bench. Ritter stood there half stunned. We seemed to have interrupted their private conversation. Things were already underway. Our court session had started- without us!

We quickly proceeded to unpack our bags and attempted to get settled.

Lavoie scowled.

There was noticeable tension in the room. Moments later a sheriff came in and handed Lavoie some papers. The papers looked eerily familiar to what Cnst. Bouchard had attempted to serve me.

I grabbed my notebook and pencil. My head was spinning. *This is insane*. I glanced down at the only note I had written.

It simply read: *‘Get disclosure wtf?!?’*

Ritter and Lavoie were in cahoots. It was now painfully obvious. They pretended to get back to the business at hand as if nothing had happened. They had gone for the quick pin but came up empty. Had we not showed up, you can bet the arrest warrants would have been on standby.

“So very similar to Meads versus Meads, you honour.” Ritter anxiously sighed and tried to pretend like nothing was out of place. He then made an off-hand comment about the ‘preponderance of paperwork’.

I shook my head. Here we were coming into court for the collection of evidence we would need to defend ourselves against bogus charges, and not only are they trying to pull one over us, they twist it. Now they pretend we are asking for the moon!

“Meads!? Are you kidding me?” I retorted. “Meads versus Meads involved a freeman idiot who attempted to use excessive forms and irrelevant documentation to distract from his paying child support!”

Lavoie and Ritter locked eyes.

Ritter was beside himself, beaming. He coyly exclaimed. “They’ve read it, your honour!” Like it was somehow a terrible thing that I had just mistakenly admitted to.

I looked at Ritter, then glared at Lavoie. “What preponderance of paperwork?” I looked right at him. “I think your definition and my definition of preponderance are possibly polar opposites. I’m looking for disclosure, so I can make an informed decision when, and if, I decide to plead not-guilty. I have not seen any evidence that could be used to even warrant the pressing of charges, let alone secure yourselves a fabulous conviction!”

Lavoie grimaced and straightened his posture behind the bench. “Well, it certainly sounds like your requests do appear to be excessive. I’m concerned you are attempting to create delays and tie-up resources that could be used for more important cases.”

If I could have taken my shoe off and thrown it at him, I would have done so.

I turned to Jarvis, wide-eyed, knowing he was reading my mind.

No respect. So much for unbiased. Look how he rolls his eyes at us. Like we’re asking for three bottles of unicorn-horn powder. Not one bottle, but three...

Lavoie probably read my mind. I looked back at him. I had daggers in my eyes. For a few seconds we simply glared at each other. Jarvis sat patiently, fuming.

“Well,” Lavoie frowned, relenting. “Perhaps if that is all you are seeking, we will allow crown to proceed with collecting that material for you. In the meantime, if that is our only outstanding issue, I elect we should push for a temporary trial date. Crown may forward your disclosure in a timely fashion, and we can set a date in the meantime.”

Are you kidding me? Temporary trial date? Oh, this is some bullshit, my friend!

I was so fed up with getting the runaround. Lavoie and company were relishing in their frustration of us.

“Fine! We want the audio and video.” I declared, again.

Since when does a video camera (with 3 microphones) not record any sound? Oh yeah, when all the evidence proves the innocence of the Stewart Brothers. That’s when it goes missing!

“Of course, you can always abandon it (the trial)...” Lavoie smiled, but it was more like a sneer.

“Oh yeah?” I sneered back. “Temporary, eh? Then we’ll still get our disclosure!?”

“Oh yes.” He shot a dirty look at Ritter, again.

I smell a rat. This is not rocket-surgery...

After the hassle from outside Subway, and this ring-around-the-rosy dance, I finally lost my cool.

“Fine! Let’s do it then! Seems pretty straightforward. I know what should be on those videos! I’d be happy to set a temporary date.”

I glared at Lavoie. I was sick of all their petty nonsense and **fuckery.***

He seemed to smile and puff out his chest behind the bench. “So, you’ll be pleading not guilty, then?” He beamed.

“I’m not pleading anything until I see all the videos!” I shot back. “Maybe I will decide to plead guilty after I view all the disclosure. Maybe I did assault those cops after all.” I smirked.

Lavoie looked perturbed. “Hmmm, yes. But, if you... If you *were* going to plead, how would you be pleading?”

I could feel the room energy change. This judge, this deceiver, was doing all he could to ignore and frustrate us. *Delay, demur, deny...*

“Well, I would probably plead not guilty, but I’d like to see the evidence against me first, obviously.”

“Oh, yes.” Replied Lavoie with a frown. “Obviously..”.

Look at this old geezer...Its audio AND video! They are never separate! I’ve had a cell phone for years-it records audio and video automatically & simultaneously!

Inside, I was just shaking my head. Outside I’m sure there was smoke coming from my ears.

So, what now? Does this guy think he just tricked us? Is he really believing his own snake-tongue? Why is he being such a prick? What a bunch of bullshit all this is becoming.

Jarvis and I grabbed our things and headed out into the hall with Ritter and a sheriff to sign a ‘temporary’ trial paper.

Still frustrated, we initiated the little game Jarvis and I had discussed, days earlier.

There are always plea deals. Cops arrest you, charge you with all kinds of crimes and then pretend to be your friend, by dropping some charges if you plead guilty to others. It really is as simple as throwing enough shit at a wall and something is bound to stick. Plea bargaining usually involves the defendant's pleading guilty to a lesser charge, or to only some of the several charges. It may involve a guilty plea as charged, with the prosecution recommending leniency in sentencing. It also involves providing evidence or testimony against another suspect in return for lower lengths of punishment.

Fear. Intimidation. It's all part of the game. The game the System always wins.

I lay out the bait, and blurt out, "I just want all this to go away."

Ritter's face immediately lights up. He takes the bait. "Oh? Well, I can give you a really sweet deal."

I looked at the mustache hairs coming out of his nose.

"Yeah?" Jarvis said, stepping in. "A sweet deal, eh? What kind of sweet deal, Ritter?"

Ritter didn't even hesitate. "Oh, it's a *really* sweet deal."

Jarvis couldn't help himself. "Yeah? So, what's the really sweet deal, fat man?"

I watched Ritter's mustache move. He had a terrible poker face. "All you have to do is plead guilty."

A sheriff, a rather large man, was now behind us, frantically writing notes in his little black notepad.

There was another wider desk area beside the court payment/traffic fines desk. It had two cupboard-like doors. As we approached, as if on cue, the doors clicked and opened inwards. A court clerk now stood at the wicket, waiting.

She already had a form ready to fill out. It was Hearing Date Required form #S-2. The 'Trial' box was already check-marked. At the very bottom, beside a big, fuzzy Asterix in pen, was also written, "Notice of Trial Date - Provided"

I sighed. "You know, we're gonna need disclosure before we go to any trial." I looked right at Ritter.

Things smelled fishy. I paused for a moment. I motioned to the sheet and the blank box beside the words 'disclosure issues'. I got the clerk to add the word 'ongoing' to the sheet. Ritter frowned. He was not amused. I could only shake my head. I was sick of all their juvenile behaviour.

**There are always moments in your life you can't help but look back on, especially with the unfettered optics of hindsight. Sometimes it may be regret or remorse, or simply wanting to improve upon the underlying outcome. This was one of those instances where, out of politeness, out of deference to avoiding confrontation or simply tired of the constant hassle, I relented and allowed Lavoie to push his agenda. If I had the chance to take a mulligan, I would have refused to agree to any trial, even a temporary one. And I probably would have told the old geezer to go fuck himself.*

Provincial Court of Saskatchewan - Saskatoon
Criminal Division Adult & Youth DVC

Hearing Date Required - Form # S2

Accused James Douglas STEWART

Date Sept 25/12

Information #s 37292281

Charges section #s 129(a) 270(1)(b)

Crown TBA Defense _____

Trial Preliminary Other Hearing Case Management (Self)

Estimate of: time required 2 days, # of Crown witnesses 6, # of total witnesses _____

Platoon _____ Officer(s) Badge # 738

Case Management may be required if:

- Court appointed counsel application (CM 1st)
- Sexual assault
- Second hearing date (45 day limit exceeded)
- Disclosure issues yes no - ongoing
- Charter application - specify issue(s): _____

- Accused in custody
- Self represented Accused (CM 1st)
- Hearing one day or longer,
- Application to expunge guilty plea
- Pre-trial application before Trial Judge
- Required by the Court or Case Manager, specify: _____
- Expert witness Child witness

Technical requirements copy to S.M.

- hearing to be conducted in French
- enhanced hearing aids
- audio visual projection through TV or computer
- witnesses requiring special accommodation, specify: Net for some dates as James Stewart

Provincial Court Case Manager

Judge's name if seized or apparent conflict _____

Designation of Counsel filed? yes no

Preliminary requested by Crown Defense Request has been filed to be filed by _____

Trial Preliminary Other hearing date April 16-18/13 9:30 2:00, CTRM 7

Case Management date held Oct 16/12 - however 9:30 2:00, CTRM _____

Delay in issue at this time yes no Date disputed? yes no (Dispute to be taken before a Judge)

First Available date offered if earlier than date noted by over 6 weeks _____

First Platoon date offered if later than first available date, above noted _____

* Notice of trial date provided

D.W.
Provincial Court Case Manager

(Administrative Judge S. P. Whelan Mar 24/11)

A few days later, I wandered over to the post office to check the mail. There was a letter from the Public Complaints Commission (PCC). It would be the first of many letters from the PCC and Robert Mitchell, the chairman.

October 16, 2012

Our file: 12-061

*Mr. James Stewart
Mr. Jarvis Stewart*

 SK 

Dear Sirs:

This is to advise you that I am aware of your complaint against the Saskatoon Police Service and to inform you that I will be monitoring the investigation.

Pursuant to the Police Act, 1990, the investigation will be conducted by Edward Miller of our Saskatoon office. Mr. Miller will be in contact with you regarding your complaint. If the enquiries are not concluded within 60 days, you will receive an update letter from this officer. Every 60 days thereafter, further updates will be forwarded until all enquiries are concluded.

After review of the investigation, you will be advised by this office of the results and my review.

Yours truly,

*Robert W Mitchell, Q.C.
Chair*

Cc: Chief of Police, Saskatoon Police Service

Chapter 25 – Case Management #3

November 8, 2012. 1:00PM

3rd Case Management Session Courtroom #7

(Can only proceed from my memory here, as the court refuses to relinquish my case management audio recordings or transcripts)

Stinkle-flint. That's what I should have called him. Though, it sounds too childish, I admit. Too Harry Potter-like. I should use adult words like deceiver. As my trial mediation judge, he was nothing close to unbiased. If I say I think he was an arrogant shit-bird, is that too harsh?

What *unpositive* adjectives can I use? How else to describe Judge Albert Lavoie? I don't think he's a smart man. Clever, maybe. They all broke the rules. But it was Lavoie who instigated and frustrated, and dragged us through the months-long case management charade.

Looking back over the entire, 7+ months of wasted time, energy, money and everything else that went into defending myself against false charges, this next mediation session was a free lesson in futility and fuckery.

Through it all, by merely attempting to prove my innocence, by requesting the audio AND video from the scene, basically amounted to, forget the dog ate my homework. The dog ate Ritter.

Delay. Demur. Deny.

Stepping into the now familiar courtroom #7, Jarvis and I took our seats and poured ourselves some water. Ritter did not appear. Instead, a balding, grey skinned man in an ill-fitting suit was already seated at the Crown's table to our right.

Judge Lavoie would be appearing within moments. They always seemed to be in a hurry. When it came time for our court attendance, that is. The paperwork and information that was lost, missed the mail truck or was otherwise delayed, was an entirely different matter on its own.

I piped up, “Can’t wait to see what excuse they come up with this time for the actual evidence...?” I smiled at Jarvis and motioned with a nod to the unknown man now on his right.

His eyes lit up. Jarvis turned himself 180 degrees in his chair and without flinching said, “Hey, new guy, where’s the fat-man? Where Ritter at?”

No response from the new guy. He didn’t even turn his head. Just seemed to stare at the judge’s door or the picture of the Queen, on the wall, above.

Is this their game? Are they seriously going to play this ‘Chain-of-Command’ game with us, again?

We all went through the motions, out popped Judge Lavoie and our case management session began. And it stank. Right from the start.

Murmurs. Legalese.

The new guy in the suit spoke louder, “That- It, must have happened before ‘I’ was on the case, your honour...”

It was so petty. A bad drama class.

Exasperated, Jarvis said, “So, no audio or video for today? No actual evidence from cameras for the how-many cars that arrived?”

Lavoie looked down at his notes. *Oh look, Lavoie thinks he’s tricked us into agreeing to a trial, directly conflicting with Stinchcombe and the crown’s obligation of providing disclosure... Hmmm...This stinks!*

Their game was so obvious and oh, so petty.

Ritter left, so we’ll conveniently ignore or simply forget the agreement and information they requested.

Next, this new Provincial Crown (clown) very conveniently re-writes any existing narratives and POOF!

Stewart Brother’s are S.O.L!

We now have a trial date- So forget disclosure! Let’s go to trial...!?

All I can do is try reverse engineering the sequence of events. As per our last session, Judge Lavoie and Rob Ritter (Crown) had mealy-mouthed their way around some ambiguous disclosure requirements and now that they flustered me enough to agree to a trial, Lavoie got his temporary-trial date set. Except, we still don’t have any real evidence... at all. And here we were, no closer to getting any real evidence. And along comes a new crown prosecutor?

Once again, nothing from the two unmarked cars, just the forward-facing video from Keating's unmarked car... with zero audio provided!

The grey-skinned suit sat down. He wouldn't even turn his head to look at us. As if to reply, he took two business cards and carefully slid them to his left, toward our side of the courtroom table.

'Bryce Pashovitz- Provincial Crown Prosecutor' the cards read.

It was a low-down, dirty shame. A Shakespeare-tragedy more like it. Bryce was just another willing cog in the broken machine. The System. The names and labels. Calling him a prosecutor. Calling us the accused. Calling him the crown. Calling us Patriots. Calling us SRL's...Self-Represented Litigants.

No respect. Treat us like someone who is inept. Like an idiot. A legal retard. Like we had AIDS or leprosy or some other terrible affliction. In hindsight, there was plenty of disrespect. Whichever way they chose to view my brother and I, the end-result was always the same: the court could break and bend their own rules and time limits because we were powerless to stop them.

Their excuse that we didn't use a lawyer was a happy little convenience to them. These people who nestled so comfortably within the authoritarian confines of the System came across as so smug and entitled. It was painfully obvious now what the judge and this new crown prosecutor were up to.

The prosecutor named Bryce looked at the judge. The judge looked back at Bryce. I could see them smiling at one another. So happy to mess around with us. Attempt to play some kind of mind-game. Finding such delight in their legal dawdling and deceptions.

The inside of Courtroom #7 was beginning to get on my nerves. I did a poor job of pretending to hide my disdain. I laughed, through my nose. I did it just loud enough the new suit beside us could hear it.

"Hmmp." I frowned and whispered to Jarvis. "This creep is too cool for school, if you ask me."

"No, this guy's just a bitch." Jarvis scoffed, saying it loud enough the whole room heard it.

Judge Lavoie wasn't having it. "Mist- Mister Stewart!"

He attempted to scold Jarvis. These people were so self-righteous in their actions and opinions! The already huge amount of bullshit and attitude we had typically been receiving, now increased, dramatically.

But Jarvis, however, wasn't having any of it, either. He cut the judge off.

"Where is Ritter? We are supposed to get disclosure from Ritter. All you are doing is wasting our time! I don't see Ritter. Now we have this new guy, Bruce. Bruce-What's-his-name-here... What's your name, dude? Bruce? Bryce!?"

The judge and Bryce locked eyes again, this time both were visibly unamused. As they began to conversate it was clear to us things were amiss. Their dialogue was cryptic. Aloof. Trust me when I tell

you I wish I could have my transcripts from these case management sessions. Alas, the courts refused my requests, and I am forced to go by memory and brief court notes I made.

Bryce Pashovitz, the new crown prosecutor, the silent suit, finally spoke. "I'm here for Ritter, today."

"Just today?" Jarvis feigned shock.

Lavoie's eyes squinted and he frowned, "So, you are carrying this case, then?"

"No." Bryce, with bad suit, replied. "Mr. Ritter is... ill. I will be covering for him... Just today."

What an abortion this is becoming. So, the first crown lawyer is sick, and, conveniently, this guy is not even aware of ANY of our disclosure requests?! This is such a fun game for them! All for some bogus obstruction and 2 assaulting-a-cop charges.

The way Bryce spoke, he confessed he had no idea what was happening. So once again, we had this whole "chain-of-command" fiasco. Again, the ever so convenient break in the line of communication. It was just like dealing with the Keystone Cops of the SPS on the evening of my arrest: I can hear their excuses-

That was before I got there.

Or, I handed him off to another person...

and then he said this, and so-and-so said that...

So, Peter talks to Paul who talks to Mary who tells Joe that James and Jarvis can stay in jail for the night.

Thank you very much...

Is there a problem? Talk to Gary...

It was now the 2nd week into November. Another month and another useless case management session. There we stood, with nothing to show for it. Further, it appeared to us, they now believed they tricked us into going to a trial. They won't admit it, but we aren't getting any more disclosure. Any audio or video, use of force reports, witness statements, notice of seizure... Can you get any more childish?

Oh, for sure it can!

Buckle-up, Buttercup, this hot rod of horseshit hasn't even left the garage...

The weight of the present situation was beginning to take its toll on me. There were plenty of days where I did not feel happy with myself or the runaround we were getting. I suffered headaches and there were many days, try as I might, I couldn't shake the 101 different thoughts that were running wild inside my head.

November was giving way to December. Winter had finally settled into Saskatchewan- long, cold days and longer, even colder nights. Made all the worse by arctic-like, ice-cold, death-winds. Yes, ice-cold, death winds.

Jarvis filed a lawsuit back in September. There was a mix-up as to the proper court environment required to hear his case due to the types of grievances he was claiming. Namely, which court echelon held the jurisdiction to hear his claims of unlawful arrest, assault, unlawful confinement.

One day in early December, he received a letter.

The letter was from the law firm representing the SPS. It was the law firm of Scharfstein Gibbings Walen Fisher LLP, and the letter was from (we assumed) some lawyer named Anna Singer.

It read, as follows:

November 27, 2012

VIA REGISTERED MAIL

Dear Sir:

Re: Jay Keating and yourself
Claim #343 (2012)

We represent the Saskatoon Board of Police Commissioners. Enclosed herewith for service upon you, please find the following document:

1. Statement of Defence on behalf of Gordon James Keating.

Thank you.
Yours truly,

SCHARFSTEIN GIBBINGS WALEN FISHER LLP

Per: ANNA C. SINGER

ACS/kco

Enclosure

-/-

I was living in a bad movie. A bad B-movie, to be precise. Like some backwoods, one-horse town with an evil sheriff and his crooked deputies. I shook my head, feeling helpless. Crown had still presented no legitimate or official evidence.

No audio... no video... no use of force reports... no witness statements...

No way this is happening to me.

Days later, a court case taking place in Saskatoon, which Jarvis and I had been very interested in, came to its conclusion. The case involved Saskatoon firefighters and SPS members and included charges of assaulting police officers. We eagerly awaited the results and release of the news report.

From CBC News · Posted: Nov 28, 2012 1:57 PM CT | Last Updated: November 28, 2012

Saskatoon firefighters not guilty of assaulting police -Judge believes firefighters were just horsing around.

Three Saskatoon firefighters accused of assaulting police officers on the Broadway Bridge have been found not guilty.

On Wednesday, a provincial court judge dismissed all charges against the firefighters, who were off-duty when events unfolded on the bridge during the summer.

On Aug. 12, police spotted two men having what they said was a fight.

When officers tried to break it up, a third man joined the early morning melee.

Clifford Hamilton, Jeffrey Tysdal and Keith Walliser were charged with assaulting and obstructing police officers.

Police testified it looked like a fight, but the firefighters maintained they were just roughhousing. Before acquitting the three, the judge said there were discrepancies in the testimony of the police officers, compared to what was in their notes. The judge also noted police admitted on the stand that the firefighters tried to de-escalate the incident.

When the judge said the three were not guilty, applause erupted in the packed courtroom.

After court one of the defence lawyers, Morris Bodnar, said the differing accounts presented by the officers was important.

"It's crucial," Bodnar said. "But you know, contradictions occur sometimes when facts aren't there." Bodnar said the officers misread the situation and overreacted.

"We are not in a police state," he said. "We live in a society where there are rules that have to be followed by everyone, including police officers."

In making his decision, Judge Barry Singer noted the police officers moved from conducting an investigation into what they saw on the bridge to making a number of arrests — and laying charges — without talking to people who were trying to explain what was happening. Outside court, acting fire department chief Dan Paulsen said he does not expect the ruling to sour relations between police officers and the fire department.

-/-

At the time, neither Jarvis nor I, paid any attention to the identity of the judge. For all we cared, we were simply satisfied that the court got things right. It gave us a glimmer of hope.

Ironically, the judge from that case, Justice Barry Singer, would conveniently forget about this very case, and instead, aggressively attempt to extinguish our hopes for justice during my trial, for assault x2, many months later.

Chapter 26 - Disclosure

November was old news and December proceeded to dump its snow onto the countryside. We celebrated a white Christmas with the dogs by baking ourselves a big turkey and all the fixings. We had a feast. For a few days, we ate, drank, slept and were merry. However, it did not take long for the feeling of dread to quickly return.

Before we knew it, December handed the baton to January. With it, a New Year of uncertainty arrived.

First to our mailbox was the Public Complaints Commission (PPC).

November 26, 2012

January 3, 2013

Our file: 12-061

Dear James and Jarvis Stewart:

Pursuant to the Police Act, 1990, I am supplying you with an update on the progress of your complaint against Saskatoon Police Service. Due to an administrative error, the required letter was not sent to you on the required date as shown above. You will receive your next update letter the latter part of January 2013.

The investigation of your complaint is continuing, and you can expect to receive further correspondence from me in due course.

*Yours truly,
Robert W. Mitchell, Q.C.*

*Chair
cc: Chief of Police, Saskatoon Police Service*

It immediately occurred to me that Bob Mitchell might be the kind of man who eats baked beans, just so he could more easily enjoy the smell of his own flatulence.

-/-

By January 2013, there was some pressure building on the part of myself to have the case and charges against me dropped. I did not want to go to trial. We should not have been put into this position to be going to trial. I knew there was a huge possibility and even greater risk of the System attempting to mess with me at trial. The whole ‘win-at-all-costs’ thing...

The reality of the situation was I could very well see jail time and have a criminal record should they find a way to convict me of assault against two peace officers. A single charge of assault could be easily explained away or excused as a mere fluke, an accident; but two charges? You meant it. You did it on purpose! With intent to harm. Go to jail, go directly to jail. Do not pass go.

It felt like a dark cloud hanging over me and I could sense the effect it was having on my body and mind. I decided to prepare a notice of motion to dismiss. I had never done anything like this before, nor did I even have a clue as to the best way to go about it. I did know, however, that I had to do something, anything, to express my point of view. Regardless, if they decided to listen to me or not, I wanted to do it for my own peace of mind.

I was so frustrated with myself for getting pushed into this position. We were being stonewalled. Trial was a few months away and crown showed no signs of slowing down or relenting. They were moving forward, ignoring me completely.

Delay, demur, deny.

I needed to get some information on the record. I needed to show the public what the court/crown was attempting to get away with.

Crown Counsel/Crown Prosecutor
Ministry of Justice-Public Prosecutions Division
8th Floor, 224 4th Ave South
Saskatoon, SK
S7K 5M5

January 22, 2013

Dear Sir:

Re: Regina v. James Stewart
Information 37292280 and 37292281; SPS Occurrence No. 81887-12

NOTICE OF MOTION TO DISMISS:

I am the person named above and I am representing myself. I am filing this motion to dismiss all charges against me. Full disclosure has not been made available and the Crown have not fulfilled their obligation to disclose all relevant materials, pursuant to R. vs. Stinchcombe.

Further, my Rights under the Canadian Charter were violated. After being accosted by Constable Keating in a private parking lot, I was unlawfully detained, assaulted, arrested and imprisoned. These charges against me are stemming from an unlawful traffic stop that occurred in a private parking area-the Shopper's drug mart parking lot located at 8th St E and Grosvenor.

The Saskatoon Police had no reason to stop me, and violated my section 7, 8, 9, and 10 Charter Rights. I was not under the influence of drugs or alcohol and my car and belongings were searched, all without a warrant.

Pursuant to R vs. Lux (citation 2012 SKCA 129): specifically paragraphs [35] and [56];

[35] " Section 209.1 does not create a rule or regulation to be observed by drivers. Rather, its purpose is to authorize peace officers to temporarily detain a driver for the purpose of determining whether the driver is complying with a specific highway traffic safety requirement imposed by the Traffic Safety Act. It, therefore, follows that random stops pursuant to s. 209.1 may only be conducted in relation to a requirement prescribed by the Traffic Safety Act, which would NOT INCLUDE checking for a driver's licence and vehicle registration when a vehicle is operated on private property."

[56] "In sum, I conclude that section 209.1 does not authorize peace officers to conduct random stops for traffic safety purposes on private parking areas. Consequently, the subject random stop constituted an arbitrary detention that infringed the appellant's section 9 rights."

In addition, the arresting officer in this case, Constable Keating #738 testified in another case (Her Majesty The Queen vs. Pascal Mertins, 2012 SKPC 183). That testimony was called into question by Justice D.E.LaBach, and Keating was found to have infringed the appellant's Charter Rights. I have many questions about Constable Keating's police testimony in my case, and allege that he, along with many others, violated my Charter Rights.

From Her Majesty the Queen vs. Pascal Mertins (2012 SKPC 183):

[51] “Constable Keating had only been a police officer for some three years at the time of this incident, but he was a police officer nonetheless, and the accused and society should expect him to be cognizant of his responsibilities. His conduct showed an unfortunate disregard of the accused’s Charter Rights, and as a result, these breaches of sections 8, 9, and 10(b) fall at the more serious end of the spectrum.”

For these reasons I put forward this MOTION TO DISMISS.

As a court of competent jurisdiction I demand the dismissal of all charges against me, the return of my property, and the reimbursement of court costs.

Yours truly,
James Stewart

-/-

January 23, 2013. 1:15PM
4th Case Management Session
Courtroom #7

(Can only proceed from my memory here, as the court refuses to relinquish my case management audio recordings or transcripts)

I let out a sigh. No audio from the first car, #477.. Only the front facing video which was ridiculous in its own way. Nothing at all from the second car #474; first car to arrive as backup and it was unmarked also.

We still don’t have any ‘Use-of-Force’ reports. Same goes for the witness names or statements, no database searches rendered in our names or CPIC (Canadian Police Information Centre) queries or even basic officer notes.

Nothing from their side to back up any, ANY, of their ridiculous claims and charges against us.

As simple as it sounds, it’s these five cops and the crown prosecutors, attempting to cook their illogical story in the name of justice (just-us?). The dispatch audio was thrown in, I believe, to pretend on paper, the SPS gave us the ‘**audio**’ of the *incident*.

Then conveniently ignore our requests for the factual evidence that probably would have forced an early end to this entire story. Or, certainly, a clearer picture of events which unfolded.

Alas, the deceivers would keep doing what they so love to do, and I was getting cheated, again.

It was happening.

They were ‘going-for-it’.

I felt trapped in my own episode of the *Twilight Zone*.

We were back in front of Lavoie. Ritter was officially gone and Pashovitz was here to stay.

“So, you did receive the disclosure pkg marked audio and video?” Lavoie sneered at us.

“Your honour (*I wanted to slap the sneer right off his face*) we received a package of evidence from the crown-“

“So, then you got your disclosure?” He interrupted, condescendingly.

“Well, uh, no..? There is no audio from the dash cams of any cars.” I protested.

He wasn’t listening. “But you’ve received it then? So, you have what they have.” He snapped.

It was a childish game, and he would see to it that he was the ultimate winner. Shameless in his quest for victory. We weren’t getting anything that would resemble audio or video. Nothing at all from any of the ten SPS vehicles that arrived at the scene.

Simply the forward-facing camera from Keating’s car. Sans audio.

It was painfully obvious one or more cars had captured most, if not all of the *incident*. At the very least, the various microphones would have picked up the dialogue. It was clear we were a thorn in their side. The funny business would continue. It was becoming painfully apparent there was no way they would release any audio and video that surely was recorded.

Had anything, anything!- in those videos lent credence to their story or clearly painted-smearred me to be violent and aggressive, I would have been all over the evening news. They would have paraded me all over police stations around North America. I think they would have been delighted to toss my snarly, gnarly face up for all to see.

They would have made an example of me.

It would have been glorious.

Instead, we left.

Empty handed.

Again.

-/-

Near the end of February, upon checking the mail, we found a brown manilla envelope from Bryce and the office of the crown prosecutor. It was thick with papers and a CD inside a protective case. The cover letter read as follows:

Dear Sir:

RE: R.v. James Stewart – 7 March 13 (1:15) Saskatoon Provincial Courtroom #7

Attached is disclosure. “Disclosure” means all relevant information that the Crown possesses with respect to your charge(s), subject to certain exceptions, such as the need to protect some witnesses and informers and matters subject to Crown privilege. The Crown is obliged to provide you with disclosure prior to your making an election as to the method of trial on your charge(s), or your entering a guilty or not guilty plea, an obligation now satisfied. Please do not lose or misuse disclosure.

If more information comes into the hand of the Crown in future, the Crown is obliged to disclose that as well, subject to the above. If you feel anything is missing, contact the Crown office at once.

If you wish to proceed without a lawyer, you are entitled to do so. If you retain the services of a lawyer to represent you on the charge(s), you must provide this letter and the attached disclosure to that lawyer.

The Saskatchewan Court of Appeal has dealt with situations where disclosure, such as the information attached, gets into the hands of people that should not have it. The Court said:

“The material which is disclosed for the purpose of making full answer and defence should not be released to third parties...by...the accused person...” (in R. v. Lucas (1996)104 C.C.C. (3d)550 at para. 10.)

Accordingly, we remind you that disclosure is given to you only to assist you, or your lawyer, or (only if this is a summary conviction matter) your representative, to make full answer and defence to your charge(s).

If you require disclosure items such as criminal records of witnesses, or with regard to police witnesses, findings of guilt in relation to misconduct, you must advise us of the specifics of the disclosure requested and its relevance to this matter. If you expect to call evidence, such as an alibi or from an expert witness, there will be an obligation on you to disclose certain information to the Crown. Please consult the law accordingly.

Should you have any questions or concerns, please contact our office.

Yours truly,

Bryce Pashovitz

Senior Crown Prosecutor

Enclosure: Disc labelled “GPS Log 1900 to 2000 hours August 24, 2012”, Supplemental SPS Occurrence Reports; Copies of certified documents provided by SGI

The large batch of papers consisted of word-processor style, typed-out notes which coincided with the actual photocopies of the five officer’s black notebooks, regarding their observations and actions during and after the incident in the parking lot that evening of August 24, 2012. There were also some SGI driver abstract pages for Jarvis and I, and our SGI photo identification sheets. Of special interest was the compact disc, labelled *GPS Log 1900-2000 hours*.

Upon running the disc on our computer, it initiated a program which visually showed the SPS vehicles that arrived at the scene that evening. Each vehicle was assigned a colour, coinciding with the vehicle number. This colour portrayed the specific route each of the individual vehicles took on their way to the parking lot. Finally some proof there were actually ten different vehicles identified on the program that arrived at the parking lot.

Chapter 27 – Case Management #5

March 7, 2013. 1:15PM
Saskatoon Provincial Court
5th Case management session
Courtroom #7

(Can only proceed from my memory here, as the court refuses to relinquish my case management audio recordings or transcripts)

The evidence package was labelled so ambiguously- “SPS Video and Audio”. Except, the audio available was simply an edited recording of the various SPS members interacting with Dispatch when Keating had called for backup. The microphone recordings from the Panasonic In-Car-Camera-System had been automatically muted or the sound files simply deleted.

We never received any raw files like an MPEG or anything. We simply watched the only video they released through their own proprietary video ‘player’. The special SPS media player, strangely, had all the sound buttons disabled along with a muted and unmoveable volume scale. The icon was rendered unclickable. We were beside ourselves. The feet dragging and time wasting continued, unabated.

Delay, demur, deny were beginning to sound like a trademarked corporate catchphrase.

I began to have flashbacks to the ‘incident’ and Keating’s actions at the scene along with the rest of the cops who were involved. The same went for my interactions with staff at the booking desk and the Justice of the Peace, Mr. Wandler.

From the Saskatoon Police Service website, <https://saskatoonpolice.ca/whenstopped/arrested/>

If You Are Arrested:

If you are arrested, the following will happen to you (young persons and adults):

- *The officers will identify themselves as police officers.*
- *You will be told that you are under arrest.*
- *You will be told the reason for the arrest.*
- *The officer will take physical control of you. This may be as simple as placing a hand on your shoulder.*
- *The officer will inform you that:*
 - *You have the right to retain and instruct counsel without delay.*
 - *You have the right to telephone any lawyer you wish.*
 - *You have the right to free advice from a Legal Aid lawyer.*
 - *If you are charged with an offence you may apply to the Saskatchewan Legal Aid Plan for legal assistance.*
- *You will be asked if you understand your rights.*
- *You will be asked if you wish to call a lawyer.*
- *You will be searched and should expect to be handcuffed to the rear, for public and officer safety, before being placed in a police vehicle.*
- *You may be subject to a further search.*
- *You may be released or taken to a police station, depending on the circumstances.*
- *If you are taken to the police station, you will talk to the Officer in Charge of the station; who will ask you a series of questions. You may also ask questions of the Officer in Charge.*
- *At the station, you may be placed in an interview room or a holding cell.*
- *You may be released by the Officer in Charge, or held to appear before a Justice of the Peace.*

Duties of Police Officers

- *Protecting life and preventing injury...*

I gave the police the benefit of the doubt. I gave them the opportunity to do the right thing. I gave them the chance to follow their own rules and play it straight. I truly underestimated the determination of these adults to engage (and relish) in such childish antics. As juvenile and elementary as it sounds, that's why the audio disappeared.

In that parking lot, that fateful *soirée de l'incident*, Jarvis knew the rules and was quite happy to give them his name. Further, he was in possession of his driver's licence card.

The way I see it, the people who operate within the system, surreptitiously delete the audible evidence. With zero audio available, they can cleverly accuse Jarvis of not identifying himself.

“See! See! You never gave the police your name!”

Yes, I did! But there is no audio!

“Exactly! No one heard you give your name! Guilty!!”

The ridiculous story about Jarvis not providing his name is so weak. I'm reminded of the word responsibility. When do people start taking responsibility for themselves? For their actions. The reactions, perhaps? The consequences and repercussions. Any one..?

It is my humble belief that all the police-drama and detective-shows and movies have not only conditioned the public to accept police aggression, but they have also empowered normal, well-adjusted peace officers, into state-backed, statute enforcers who cannot be reasoned with.

There are rules. Typically rooted in Common Law.

You cannot arrest someone because you don't like their attitude or demeanor. Certainly, you cannot arrest someone just to make them shut-up or go away.

The power of arrest is a very powerful thing.

From the **Traffic Safety Act**;

Arrest Section 276

(1) *If a peace officer finds a person committing a contravention of section 32, 57, 140, 146, subsection 209(11) or section 213 or 239, the peace officer may arrest that person, if the officer has reasonable grounds to believe and does believe that the person will not appear in court to answer a summons.*

(2) *A peace officer who has arrested a person in accordance with this section shall, with reasonable diligence, take the person so arrested before a court of competent jurisdiction so that the arrested person may be dealt with according to law.*

(These relate to stunting, excessive speeding, driving under the influence, etc.)

What the cops said: Jarvis refused to identify himself.

Cops need a NAME.

Why do they need a name? Need your name to arrest you/charge you. Identify and process you.

Ironically enough, it was Constable Keating who never identified himself at the scene.

So here we have five cops, two crown prosecutors and a mealy-mouthed, case management judge squaring off against two brothers, attempting to represent themselves against fraudulent charges.

I remember closing my eyes.

The judge can't pull this type of behaviour, can he? He has a professional obligation, doesn't he? Surely, he must abide by his moral or societal duty? Do judges have a code-of-conduct? A rulebook of morals and ethics? I'm a plumber. We have a Canadian National plumbing codebook. What do provincial judges have? Is there a provincial or National judgement Book?

I opened my eyes and all I saw was his smug face. I was so fed up with Judge Albert Lavoie. I wanted to start smashing the walls. Like the Hulk.

Just leave. Walk back to my truck but leave gaping holes in the building.

I tried to control my breathing, frantically assessing the quickly unfolding situation. I was past frustrated. Hulk smash.

Is he getting orders from certain superiors? Or is he upset we are standing up for ourselves? Standing up to his beloved System? Is this where we are? So much for an unbiased arbiter. What a petty game of "he-said, she-said" ...

I took a deep breath, but it must have got stuck half-way down because I sounded like I was 13 again (or gulped a helium balloon) when I blurted out, "We're just going to take THEIR word for it? There is no evidence of anything! Frankly, I don't see how this trial can take place?"

I tried to clear my throat.

"We have nothing. No evidence of anything that remotely resembles police work, no evidence of a crime even taking place. Jarvis cannot even be seen from the only video we have, so it's all hearsay! This- And... and yet, somehow we're still going to trial!?"

"Oh, yes." Lavoie seemed nervous. He shuffled some papers.

This judge, Albert Lavoie, is another happy gear in the System. A precisely machined, brass, toothy critter.

I was fuming inside. I scrunched up my face. "Um, but there is no... evidence. It's, like... You- Your honor, you can't just take THEIR word for it!?"

He was nonchalant about it. "That is exactly what we will do."

Actually, he was pretty chalang.

He looked at his watch, then at the clerk. “Court is adjourned.”

“All rise!” The court clerk was on her game, but nervous.

After landing from his big judge’s chair, Lavoie quickly scuffled to his feet. He disappeared through the still opening door.

I stood there with my mouth open, and my metaphorical pants spread around my ankles.

Holding my metaphorical dink in my hand.

And the cold wind blowing up me arse.

I looked at Jarvis in disbelief.

This is really happening. They’re really going for it.

Chapter 28 – Morning of Trial

April 16, 2013

Saskatoon Provincial Courthouse- The morning of day 1

Prior to 10:00am commencement of our (R v. Stewart) Criminal Trial

After clearing the metal detectors and numerous sheriffs stationed at the main doors, we climbed the stairs and walked into a bustling display of System “strength & showmanship” at its finest! We found an empty set of seats against a far wall and sat down. There were people everywhere!

Almost immediately, Bryce Pashovitz showed up with his giant black lawyer case on wheels. He zigged and zagged and clumsily made his way towards us. He stopped right beside us and proceeded to open his bedraggled case. Reaching from inside, he gave each of us a small collection of papers.

“I’m not sure if you guys got these. We sent them to you in the mail last week.” He seemed overly friendly- for a change.

I was instantly suspicious.

The papers were *supposedly* the installation records for In-Car-Dash-Cameras (In-Car-Camera-Systems) for the vehicles involved in the incident and other materials related to our questions about the prosecution proceeding against us. It was some of the disclosure he was supposed to have given us months and months ago. Not the morning of court!

He continued, “The Judge in the case will be Justice Singer. Oh, and Jarvis you might know her, I think. His niece is Anna, Anna Singer. Although, I’m not really sure.” He abruptly closed his case, turned around and wheeled the battered, black contraption away.

“Thanks, Bryce” I rolled my eyes as we watched him weave past the crowd of people and disappear into another room.

Jarvis was incredulous, trying to whisper, he only growled. “What the fuck is this!?”

He had his head down, taking in the information from this new batch of paperwork that Bryce conveniently proceeded to dump on us.

He continued. “This is supposed to be an installation record!? And.. Anna is the judge’s niece? You believe this? The judge’s friggin’ niece, bro! The judge’s niece is the defence lawyer! Lawyer for Keating?! The defense from my civil claim!?!”

I wasn’t even shocked.

I could only laugh. “I’m not surprised, bro. Let them do it. Rules are rules. No way the trial can be legit if judge is somehow related to Keating’s defence lawyer. That is like conflict of interest. Like arm’s distance relations, or something.” I smiled. I felt energy.

I continued, “I can’t believe Bryce just gave that up! Look at these people. Would you look at all this circus we have going on here?”

I scanned the upper floor of the Provincial Court House and got lost in thought. “Is this all for me and you?”

There were people everywhere.

It felt like a movie set. Actors everywhere. Well, police everywhere.

Police in uniforms and other police in suits. Badges on belts. Suits everywhere. Many suits had guns on their hips. Suits with guns. Some hot-shot blonde woman had her power suit on and couldn’t stop looking over at us.

Was she a detective? Internal affairs? She had a badge hanging from a chain around her neck. She had a gun on her hip. Her police gun. Her big black police gun in a big black police holster. It was easy to see which people were involved in law enforcement. They all had that ‘*severious*’ look about them.

I looked down at my notes and the new ‘disclosure’ papers Bryce had just handed each of us.

The first page was a simple spreadsheet- 2 columns on the page. The title was **ICCS Install Dates**. It gave the number of the SPS vehicles and beside them, the corresponding date of *supposed* ICCS installation.

No letterhead. No invoice or record of amounts paid or receipt for services rendered. Nothing that would verify if a technician signed off on a work order. Nothing to verify legitimacy. For all we knew, it could have been made by a 12-year old.

At the morning of the day of trial.

The irony was not lost on me; for the last several months we were required to give ample notice to the Crown about getting all our supposedly ‘unorthodox’ disclosure requests submitted. On time.

That didn’t stop them from dragging their feet.

Here we were, about to enter court and they drop fresh disclosure on us, that is months-long overdue. Months long! I studied the page in front of me. Again, right before our eyes, they were flaunting their own rules.

I sighed. “This is a great game isn’t it, Jarvis? These aren’t even installation records. Just some numbers and various dates on a page. Not so much as an oil change invoice or verifiable record of anything remotely resembling an installation of expensive and sensitive camera equipment.”

Jarvis was not amused. I could see he was thinking. His mind had revved-up. I could see he was taking it all in. The show. The performance. His eyes were unblinking, focused on the far wall.

“Hey,” I nudged him with my elbow, bringing him back from the void. “They gotta play by the rules, too, bro.” I smiled. “The rules are their rules. Or is it, their rules are the rules?”

He forced a smile, “Yeah... Their rules...”

“This is such a great game!” I couldn’t keep the grin off my face. “Wow. So much for disclosure in a timely manner, huh?”

Jarvis was fuming. “This fucking Bryce guy is something else, eh? The actual morning of trial? Hands it to us as we are basically at trial?! While we are waiting to walk in?!”

I laughed and raised my voice. “Fucking suits!”

Some of the suits in attendance looked over at us, nervously.

I looked at the papers from Bryce. Simple, 8.5” x 11” white sheets that showed an even simpler, MS excel spreadsheet design. Printed nice and big, probably in 36 font, so it filled the page.

Jarvis scowled, “I could have made this in 2 minutes. Look! It says the ICCS for car #477 was installed on November 28, 2011. Keating’s car! November 2011?!? Like, what the fuck!? So, now- So now what?”

I slowly turned my gaze up and looked at the ceiling.

How many times do you have to ask for disclosure? How many ways are you supposed to ask for the stuff you might need to help defend yourself?! This was completely disrespectful. So much for the rules...

ICCS Install Dates	
Unit #	Install Date
477	~2011Nov28
476	31-Aug
474	28-Aug
131	24-Aug
241	27-Sep
137	1-Oct
242	5-Oct
222	16-Oct
231	22-Oct
701	no ICCS

DISCLOSED
James Stewart
APR 09 2013

DISCLOSED
Jarvis Stewart
APR 09 2013

exhibit #15
page 31a

According to Stinchcombe, (**R. v. Stinchcombe, 1991 CanLII 45 (SCC), [1991]**), which was a precedent setting case for Canadian Law, the Crown must provide disclosure as well as give the defense adequate time to 'digest' the material. Otherwise, the defense can basically get an automatic adjournment.

As per the appeal of the original case, Justice Sopinka, writing for a unanimous Court, held that the trial judge was wrong in refusing the application for disclosure by the defence. His ruling was the Crown was under not only an obligation, but a duty to disclose all evidence.

He wrote,

"The Crown has a legal duty to disclose all relevant information to the defence. The fruits of the investigation which are in its possession are not the property of the Crown for use in securing a conviction but the property of the public to be used to ensure that justice is done."

Seems reasonable to me. You should not be able to charge someone with serious crimes and then wait until the day of trial to show them what information/evidence you plan on using to attempt to convict them and possibly send them to jail. After more than 150 years of Law & Order in Canada, it is safe to assume, we should be playing by the same set of **already-in-place** rules.

Obviously, the timing of disclosure is of great importance.

Ironically, this was made very clear to us within the first few weeks of seeking our own disclosure. Jarvis and I had to submit all our 'proper notices' into the courts to allow crown the time to deal with our numerous, 'unorthodox' requests. Just another excuse pulled out-of-a-hat when needed. We quickly understood the consequences of not giving Ritter and Pashovitz (or the crown office) enough time to *properly review* our 'numerous' requests for disclosure... It was so juvenile, so convenient for them, from the outset. It simply gave them another excuse to ignore our requests, entirely. So, if we didn't get them into the office on time, *Voila!* they were rendered null and void.

Delay, demur, deny.

I looked at the disclosure papers in my hands.

Why am I even tolerating these people?

I could feel my temperature rise.

You hand me some bullshit papers on the day of trial? Disclosure on the morning of?

I felt my competitive side come roaring back.

You think this is a game!?! Right arm. You want to take this prosecution right into trial? Feel free. In the best interests of society? Is anyone going to stop you? This makes perfect sense- why would you proceed in trying two men for some bullshit obstruction and assaulting of police officer charges (x2) when you are missing ALL the audio and any meaningful video from the scene? Wow, the arrogance. Their audacity was not lost on me.

Swallowing hard I cleared my throat.

"Hey..." I looked right at Jarvis with my best 'severious' eyes.

“They are not smart people. They really want to try going for it!? Fine by me. Nothing changes for us. I was right all along. I was right in that parking lot. I was right all through case management and today, I’m still right.”

Jarvis seemed relieved but at the same time still anxious. “I really can’t believe they’re going for it.”

I acted unsurprised. “Yes, you can. If there is one thing I’ve been telling you from the beginning...” I made a face. “Bro, the niece of the judge? And Bryce here, hands us this disclosure material now? This is a God-damn circus act. Take a good look around. No shame in their game. Remember that. These people are deceivers.”

I glanced around and took a deep breath. “Total communists...” I locked eyes with power-cop-chick, “and fucking snakes.” I was hoping she could read lips.

He sighed and shook his head, unconvinced.

We got up from the courthouse hallway bench, collected our belongings and prepared to enter the courtroom. “Jarvis, trust me...Let these clowns break the rules.”

I continued. “It’s why we have rules. They get paid with taxpayer money to follow and obey the rules. The same rules they enforce. They want to break the rules? They want to fuck with us? That shit is on them. Fuck these clowns and their stupid costumes. This is the greatest chess game of my life. Decisions with consequences. Actions with repercussions. Responsibility with accountability.”

We walked up to the big double-doored entrance to the provincial court room.

My heart pounded away in my chest, echoing like thunder in my head.

I took a deep breath and wiped my hands on my jeans.

We opened the doors and walked in.

Chapter 29 – Trial Begins

Additional comments in italics included as my opinion/editorial
Full transcripts can be found via my website www.justcallmestew.com

R. v Stewart, Criminal Trial
Saskatoon Provincial Courthouse
April 16, 2013 (Approx. 9:40am)
Day 1

(Excerpts directly from my criminal court transcripts)

MR. PASHOVITZ: Good morning, Your Honour.

THE COURT: Good morning.

MR. PASHOVITZ: I think that leaves us with the matters involving James and Jarvis Stewart.

THE COURT: All right.

MR. PASHOVITZ: I'm Bryce Pashovitz for the Crown. And I have carriage of these matters.

THE COURT: All right.

MR. PASHOVITZ: They're just coming forward.

THE COURT: Just a moment, please. Come forward, Mr. Stewart and Mr. Stewart. Have a seat there, please. I just have to make a couple of notes, and then I'll make some comments, and then we'll get going. All right, Mr. Pashovitz, is it your intention to have a trial set, both -- all matters to proceed at the same time?

MR. PASHOVITZ: Yes, Your Honour. And just procedurally, there were a number of case managements that were held, but I believe the endorsements will show that even though the matter is set for trial today, I think formally there had not been not guilty pleas entered on the two Informations, so –

THE COURT: Well, we're having a trial, so I'm going to enter not guilty pleas.

AND THERE IT IS! Oh really!? So much for a temporary Trial, eh? Entered pleas on our behalf, did you? Now it all makes sense. So much for abandoning the trial... I looked at Jarvis and winked. These judges were so incredibly arrogant- Lavoie and now this guy.

There you have it- we never pled.

MR. PASHOVITZ: Thank you, Your Honour. The Crown is ready to proceed. I have five Saskatoon Police Service officers on my witness list, plus a special constable, Amy Radke from the Saskatoon Police Service is available as a witness, as well, too. And that came out as a request during one of the case managements by both Mr. Jarvis and Mr. James Stewart.

THE COURT: All right.

MR. PASHOVITZ: One thing I can advise, Your Honour -- and I apologize. I don't want to stray too far into other issues, but I am advised there is a civil action that has been commenced against Constable Keating, one of the Saskatoon Police Service members. And I did receive a call last week-- and I see she's here in the courtroom this morning -- from an Anna Singer, indicating that she's acting on behalf of Constable Keating. So when I heard that Judge Singer –

THE COURT: That's the first – that's the first I heard of that.

--

Yeah, sure it is...

--

MR. PASHOVITZ: Yes. I just -- we all know about the appearance, so I just wanted to raise that with the Court, as well, too, Your Honour, so –

THE COURT: *(speaking to Jarvis and I)* Just -- just so you understand what that's about, my daughter is a lawyer, and she works for the firm of Scharfstein -- whatever they're called.

MR. JARVIS STEWART: Warfin (sic), yeah. I've been in contact with them.

THE COURT: Pardon me?

MR. JARVIS STEWART: I've been in contact with them, yeah.

THE COURT: Yes.

MR. JARVIS STEWART: I was not aware of that.

THE COURT: Just let me finish. They -- they act for the Police Association or the Police Department, I guess -- I -- I think. And as I understand it, their firm defends the police when they're sued. I don't know anything about the case. Does it bother -- matter to you?

I looked right at Jarvis. "His daughter...bro." We were in disbelief. Wow. Your daughter works at McDonalds and she might make hamburgers? But you're not sure? You don't know? One of the biggest law firms in the city, who represent the SPS... So now he's trying to tell us that there is nothing to SEE here...?!?

MR. JAMES STEWART: It's your case, man. *(I rolled my eyes...)*

MR. JARVIS STEWART: Yeah, I'm just going to say, "No." I think the evidence speaks for itself.

THE COURT: Yes.

MR. JARVIS STEWART: I don't have a problem with it, no.

Good ol' Jarvis. Being so polite, as usual.

THE COURT: All right.

MR. JARVIS STEWART: Thanks for bringing it to my attention.

Wait a minute, did Judge Singer just lick his chops? He did. There's that grin, too. I've seen a grin like that before...

THE COURT: Yes, okay. You are Jarvis?

MR. JARVIS STEWART: Jarvis, yes.

THE COURT: Yes, how do you do?

MR. JARVIS STEWART: I'm Jarvis. And I'm representing myself, yes.

THE COURT: How do you do? No, that's okay. And you're James?

MR. JAMES STEWART: Yes, I'm James, Your Honour.

THE COURT: I received your notice.

MR. JARVIS STEWART: Okay.

THE COURT: And thank you very much for that.

MR. JARVIS STEWART: Okay.

THE COURT: And I -- and on the notice you say that you're -- you'll be representing yourself along with your brother?

MR. JARVIS STEWART: Yeah.

THE COURT: Okay, so that -- that -- that doesn't mean you won't get to ask questions if you wish to --

MR. JAMES STEWART: Oh, okay.

THE COURT: -- because you're -- you're also charged.

MR. JAMES STEWART: Yes.

Excerpts from Jarvis' 'Charter Violation Notice' here....

Honourable Judge,

I am the person named above and I am representing myself, along with my brother, James Stewart. We are applying under section 24 (1) of the Canadian Charter to a court of competent jurisdiction to obtain an appropriate and just remedy. Our Charter Rights were egregiously violated by members of the Saskatoon Police Service in the circumstances that led to the charges against us. These violations occurred on the evening of August 24th, 2012, at approximately 7:00 pm, in the private parking lot of Shoppers Drug Mart, located at Grosvenor Park Mall on 8th Street East in the city of Saskatoon. Our Section(s); 2(d),7,8,9,10(a),10(b) and 12 Charter Rights were violated by members of the Saskatoon Police Service and we are being put at risk of a criminal trial by way of malicious prosecution. Allowing the trial to proceed would bring the administration of justice into disrepute.

-/-

The Crown has not yet provided any evidence that could possibly be used to make out a charge of "obstruction of a peace officer in the lawful execution of his duty for disobeying lawful commands". Further, the police narrative written by Gordon James Keating is full of inconsistencies and malicious accusations. Constable Keating has accused us of acting irrationally and being quite belligerent. If he is prepared to testify on his police narrative, we demand that he does so under the penalty of perjury. Of note: Keating was recently called to testify on a 'voir dire' during the case of R vs. Pascal Mertins (2012 SKPC 183). His testimony showed a disregard for Mr. Mertin's Charter Rights and Mr. Keating was found to have fabricated his story:

"[11] I digress at this point to comment on one of the few areas of disagreement in the evidence. Constable Keating testified that after the accused got out of his car and was waving his finger at him, he started walking away. According to the officer, when he went after him, the accused

stopped, clenched his fist, turned around and took a swing at him. At this point the officer took him to the ground, handcuffed him and placed him under arrest for assaulting a peace officer.

[12] I do not accept Constable Keating's evidence that this occurred. The accused denied either walking away or swinging his fist at the officer and this explanation was corroborated by Sean Wilson, the only other person that witnessed this incident. Mr. Wilson was called by Defence to give evidence on the voir dire. He testified that he was driving by when he noticed the officer and the accused talking by the driver's side door of the accused's vehicle. All of a sudden he saw the officer take the accused to the ground. He did not see the officer swing at the accused or fight back. He described the accused as being submissive..."

-/-

We have never been violent towards anyone- much less the police. Members of the SPS have accused us of being members of a "certain sect of people" that are known to be "violent against police". This is prejudice, defamation and malice, and a clear violation of our Section 2(b) Charter Right of freedom of association. Further, members of Saskatoon Police Service used excessive force in carrying out our unlawful arrest, displaying a cavalier attitude and disregard for our lives. They put our liberty and safety at risk, additionally violating our Section 7 Charter Right to life, liberty and security of the person. From R vs. Nasogaluak (2010 SCC6):

"[7] On the facts of this case, the Court of Appeal did not err in upholding the trial judge's finding of excessive force by police in arresting Mr. Nasogaluak. The police officers' excessive use of force amounted to a violation of the respondent's right to life, liberty, and security of the person under Section 7..."

[32] The Crown emphasized the issue of excessive force in its submissions to this court, arguing strenuously that the police officers had not abused their authority or inflicted unnecessary injuries on Mr. Nasogaluak. But police officers do not have unlimited power to inflict harm on a person in the course of their duties. While, at times, the police may have to resort to force in order to complete an arrest or prevent an offender from escaping police custody, the allowable degree of force to be used remains constrained by the principles of proportionality, necessity and reasonableness. Courts must guard against the illegitimate use of power by the police against members of our society, given its grave consequences."

The use of excessive force resulted in numerous personal injuries to both my brother and I. James Stewart was tackled and forced to the ground. He was beaten on the ground while wearing handcuffs behind his back by at least eight officers. He was then denied medical treatment. He suffered multiple cuts and lacerations to his face and legs, bruises and a concussion. There is video evidence in the court files clearly showing his injuries.

-/-

Neither of us were read our rights, or were properly informed of the offence that was supposedly committed. No one on duty that evening made any attempt to explain the circumstances involving our arrest or why we had been arrested. This is a clear violation of our Section 10(a) right under the Charter; the right on arrest or detention to be informed promptly of the reasons. We were never actually informed what the charges against us were until the next day when a Justice of the Peace read them to us. These conversations with JP #1776 were audio recorded, but the Crown has yet to make them available to us.

-/-

I have contacted the Public Complaints Commission and launched an official complaint against the Saskatoon Police. I have also contacted the Attorney General of Saskatchewan; Gordon Wyant, and the Minister of Policing and Corrections; Christine Tell in the hopes they will review this case and make recommendations. They will both be sent a copy of this Charter application. The Crown still has not provided us with a sentencing position and we have reason to believe this is a retaliatory prosecution. The Crown has also used three different prosecutors against us- Sonja Hansen, Robin Ritter, and Bryce Pashovitz- causing some confusion regarding our correspondence and disclosure.

The Saskatoon Police Service seem to have developed contempt for the public they are supposed to protect. We have included numerous recent case law that shows this misconduct is not in any way isolated. See; R vs. Salisbury, R vs. Zacharias, R vs. Hall, R vs. Erickson, R vs. Boutin, R vs. Ryland, R vs. Jacobi, R vs. Campbell, R vs. Ward, and most notably, R vs. Mertins.

From R vs. Mertins (regarding Constable Gordon James Keating):

“[51] constable Keating had only been a police officer for some 3 years at the time of this incident, but he was a police officer nonetheless and the accused and society should expect him to be cognizant of his responsibilities. His conduct showed an unfortunate disregard for the accused’s Charter rights, and as a result, the breaches of sections 8, 9, and 10(b) fall at the more serious end of the spectrum.”

This court has the ability to award costs as a remedy, pursuant to: R vs. Wetzel (2012 SKPC 9), Vancouver (City) v. Ward (2010 SCC 27), and Hanisch vs. Canada (2003 BCSC 1000). We are seeking remedy under Section 24(1) of the Canadian Charter of Rights and Freedoms. We want all charges against us withdrawn, all fingerprint and mug-shot evidence deleted, and our arrest records expunged. I want my Toyota Celica returned, or to be adequately compensated for its loss.

-/-

Yours truly,

Jarvis Stewart

-/-

Court Transcript Continues...

THE COURT: I'll just explain the usual process in -- in the court. First of all, because I received this -- this Charter notice, what we do is have -- it's usually -- it's called a voir dire. But what it is -- is -- is the -- all of the circumstances regarding the breach of the Charter -- strictly speaking, you have to prove those, so -- but you do it through the Crown's case. And so what the -- what we traditionally do in this court is we have the voir dire on that at the same time as we have the trial. So the two are, sort of, melded together. And they -- what -- and it's for me to sort it out at -- at the end, what evidence applies to what, and what -- what doesn't. And so we just run it like a regular trial. And -- and -- but it -- but you're entitled to ask questions about the Charter breach things when it's your turn to ask questions. Okay?

The judge is already skiing out of bounds...

MR. JARVIS STEWART: Yeah.

THE COURT: So that's -- that's the process that we're going to follow with regard to that Charter -- the Charter application. And that's the usual one we always follow. And that -- and that seems to work the best.

MR. JARVIS STEWART: Okay. Thank you.

THE COURT: Secondly, the -- I don't know if you've had trials before or seen a trial, but I -- when you're -- when you represent yourself, we run the trial the same way as -- as when -- when -- as if you had a lawyer --

MR. JARVIS STEWART: Mmhmm.

THE COURT: -- except -- with a couple of exceptions. First of all, the usual process applies. The prosecutor's job is -- is to call his witnesses first. He'll call their first -- his first witness. And I don't know who it is, but he's told me he has five police officers, so it's probably going to be a police officer. (*Heh heh...*) So he'll call that witness first. The witness will testify. Well, he'll -- he'll lead the witness through their -- their -- what we call a direct examination, his evidence. Then you each have the opportunity to cross-examine the witness, if you want, or just you, if you want. It's up to you. But you have the -- you have the opportunity then to ask that witness questions. And that's all. Okay?

MR. JARVIS STEWART: (No audible response.)

THE COURT: I don't want to hear any statements about what you think happened and all of this. You just get to ask questions. Then the second -- then he calls his next witness. And when -- he calls -- well, and you go through each one, just like that. And when he's done, then you get an opportunity to call your own witnesses, whether it's yourself or someone else or some -- something like that.

MR. JARVIS STEWART: Okay.

THE COURT: And that's when I hear your side of it. So, first, we get the Crown's side in, then we get your side in. And then we do it that way.

MR. JARVIS STEWART: Okay.

THE COURT: Are there any questions?

MR. JARVIS STEWART: I do, actually. Just --

THE COURT: Sure.

MR. JARVIS STEWART: -- with all -- with all due respect, I don't mean to -- to -- confront you on procedure, but --

THE COURT: No, you just -- ask your question. That's what I'm here for.

MR. JARVIS STEWART: -- I'm -- I'm pretty sure I can prove prima facie -- at first glance that these men, the witnesses have violated my rights.

THE COURT: Well, that's okay but that isn't the way it works. They -- they testify first on the charge.

MR. JARVIS STEWART: Fair enough. Fair enough. I just wanted to put that on the record. Thank you very much. (*Once again, Jarvis is being too polite*)

THE COURT: Well, that's okay. You -- the -- so I'm going to stick to that procedure because that's -- that's what -- because I get in trouble with the Court of Appeal if I don't. (*heh heh*).

I love the arrogance! Ask us if this is somehow 'okay', yet, immediately, when something doesn't seem right, or 'okay' with us.. Well, humbug! Too bad for you! We're sticking to the RULES....

MR. JARVIS STEWART: Okay. Sure.

I thought Lavoie was bad. This Judge Singer character is digging to new levels.

THE COURT: Okay, so I'm going to stick to that procedure, and the prosecutor -- I'll -- I'll ask him to stick that procedure, too. So that's the way we're going to do it. And let me see if there's anything else. Yes, you have paper and all of that, you're all set, you've got everything you need?

MR. JARVIS STEWART: Yeah, I guess, yeah.

Get your tickets here! Two fer one! Step right up to the Judge Barry Singer Fuckshow!

THE COURT: Okay. All right, well, let's go ahead then.

MR. PASHOVITZ: And just if I may, Your Honour, as indicated earlier, we were having a series of case managements. The last one -- I just want to confirm, I did mail disclosure dated April 9th to both Mr. Jarvis Stewart and Mr. James Stewart. I just didn't know if they had received that or not yet?

MR. JARVIS STEWART: Yeah.

MR. PASHOVITZ: They live out of town, so --okay.

MR. JAMES STEWART: What is it in relation to?

THE COURT: What is it?

MR. JAMES STEWART: I mean, we've --

THE COURT: Why don't you show it to them now?

MR. PASHOVITZ: The – I'll provide it to them, now, Your Honour, and the file copy of my letter. The last case management led to a request for further information about in-car camera systems for various police cars.

THE COURT: Oh, yes.

MR. PASHOVITZ: So that's what's been provided this morning to them. It was mailed last week.

THE COURT: Well, have you given it to them now?

MR. PASHOVITZ: I'm giving it to them now, yes.

THE COURT: Well, go ahead.

MR. PASHOVITZ: So I'll just do that.

MR. JARVIS STEWART: It's seven months late.

MR. PASHOVITZ: And the Crown is ready to proceed, Your Honour.

THE COURT: All right, go ahead.

MR. PASHOVITZ: I'll call as my first witness -- oh, just procedurally, Your Honour, two different Informations, there's one against Jarvis Stewart and one against James Stewart. They're all as a result of the same incident, so what the Crown is proposing -- I believe we ironed this out at the earlier case management -- some of the earlier ones I wasn't Crown on -- to proceed on Information ending 280 against Jarvis Stewart, and then apply the evidence to Information ending 281 against James Stewart --

THE COURT: Well, I'll hear all of the evidence on both Informations at the same time.

MR. PASHOVITZ: -- Your Honour. And -- and that's fine, as well --

THE COURT: All right. Just go ahead. Let's get going.

Yes, let's GET GOING! Because time's a wasting! Go right ahead. Don't let any of those pesky little court rules or processes stop you, Boss!

Forget their timely disclosure!?! Who needs that?

Bury the Stewart brothers- those troublemakers! Can't have the two of them throwing a monkey wrench into the very same System that's trying to monkey-around with THEM! No! We can't have that!

Let's get this circus act started!

Hurry up already!

The lions are restless.

Chapter 30 – Constable Gordon James Keating

From the beginning of the trial we had to listen to Keating and watch him construct his backward story. He pretended that Jarvis made contact with him first, which would then somehow justify his heavy-handed response. However, it was clear he was the first to react.

At no time did Jarvis ever bump into, brush by or act hostile in any way, shape or form towards Keating. Keating was doing all he could to paint Jarvis as violent or aggressive. It was rather pathetic. Bryce tried in vain to push the narrative in their own direction and away from the unlawful and illegal behaviours of the cops, especially Keating's actions.

Court Transcript Continues...

THE COURT: Just go ahead. Let's get going.

COURT CLERK: Would you prefer to give your- state your full name for the record, please?

THE WITNESS: (GORDON JAMES KEATING) It's Constable Gordon James Keating, G-O-R-D-O-N, the surname is K-E-A-T-I-N-G.

COURT CLERK: Thank you.

MR. PASHOVITZ: And just on that note, Your Honour again, as you've indicated, we're proceeding on a voir dire –

THE COURT: And trial.

MR. PASHOVITZ: -- and trial.

COURT CLERK: I didn't -- I'm sorry, Your Honour.

THE COURT: No, I don't -- I don't have any separate swearing on the voir dire.

COURT CLERK: Oh, so I don't need to re-swear him?

THE COURT: Yes.

COURT CLERK: Okay, thank you.

MR. PASHOVITZ: Okay. Thank you, Your Honour.

(PASHOVITZ) Q Good morning, Constable.

(KEATING) A Good morning.

Q You're employed as a constable with the Saskatoon Police Service is that correct?

A That --that's correct.

Q And you're a peace officer in and for the Province of Saskatchewan; is that correct?

A That's correct.

Q How long have you been a peace officer, Constable?

A December 7th, 2009 begins my employment with Saskatoon Police Service.

Q Okay, very good.

A Prior to that, I was a police officer in Nova Scotia.

Q With which police service in Nova Scotia?

A The New Glasgow Police Service, from May of 2009 until December.

It should be noted that Constable Keating was, indeed, an officer in Nova Scotia prior to his time in Saskatoon.

Interestingly, his period of employment as a policeman in New Glasgow was relatively short.

He arrested Ms. Amy Affleck, a nurse, and at the scene there was an apparent altercation where she was pushed up against a wall by Constable Keating. Although more details regarding her arrest are contained in the court case, she was arrested for assaulting Constable Keating.

*That court case, **R. v. Affleck, 2010 NSPC 51**, from Nova Scotia does not have any information regarding the physical stature of Ms. Affleck, but I cannot imagine her being anywhere near the size of Keating, who stood at least 6'7" with boots on. As to why Keating found himself in Saskatoon not long after that case concluded, may or may not have anything to do with the fact that Ms. Affleck's father just happened to be a Sergeant at the local RCMP detachment in nearby Stewiacke, NS.*

Q Okay. I'll get you to speak up nice and loud, too, because we're in a large courtroom, and we're being recorded, as well, too. Were -- were you on active duty on August 24th 13 , 2012?

A I was.

Q Here in Saskatoon, Saskatchewan?

A That's correct.

Q What were the nature of your duties on that particular day?

A I'm assigned to the traffic section of Saskatoon Police Service. And I was -- I was doing traffic enforcement on 8th Street on August 24th, 2012.

Q Were you working alone or were you with a partner?

A I was alone at that time.

Q Okay. And I'm told there's different shifts with the Saskatoon Police Service. Was this a day shift or a night shift or some other type of shift or --

A This was a night shift.

Q Okay. What type of uniform were you wearing and the same one as you're wearing today?

A I was wearing the same uniform I'm wearing today, yes.

Q What type of police car were you operating that day?

A I was operating a tan coloured traffic unit, which is an unmarked Ford Crown Victoria. It has blue and red lights placed in the upper windshield. There are blue and red strobe lights in the headlights. There's blue and red strobe lights on the side mirrors, and a directional arrow in the back windshield, blue and red lights in the back windshield, flashing red strobe lights in the brake lights, and blue and red flashing strobe lights in the white reverse light section on the rear of the Crown Victoria.

Q Okay. Anything as far as siren ability, as well, or not?

A It's also equipped with emergency sirens.

Q And was it equipped with -- and I'm probably using the wrong term here -- an in-car camera system?

A It is -- it was, yes.

Q Okay. Was it operating on that particular day?

A The in-car camera turns on when the emergency lights are activated. And to my knowledge, it was operational that day.

Q Okay, well, Constable, at this time, it may be best to tell the Court what caught your attention, where you were, what you did, take us all the way through?

A (No audible response.)

Q I'm sure --

THE COURT: Were you --

Q -- I'll have a few more questions for you, when you're done.

A (No audible response.)

THE COURT: -- were you alone?

(KEATING) I was alone, yes, Your Honour. On August 24th, 2012, at approximately 7:00 p.m., I was eastbound in traffic unit 477 on 8th Street. I was in the left-hand lane, approaching Grosvenor Avenue. At this time, I noted a white Toyota Celica in the left turn lane to enter the Shopper's Drug Mart parking lot located at 8th and Grosvenor. At this time, I noted a continuous sticker in the bottom right-hand corner of the license plate.

THE COURT: I'm sorry, a what?

THE WITNESS: A white SGI continuous sticker, or what was -- is a homemade sticker that was meant to look like an SGI continuous sticker.

THE COURT: What did you notice?

THE WITNESS: (No audible response.)

THE COURT: Were you -- did you notice it was homemade?

THE WITNESS: I noticed that there was something odd about the sticker, Your Honour. It wasn't a -- it didn't appear to be an SGI issued continuous sticker. I ran the -- the plate on SGI. And it came back to a Honda Civic that was -- had expired registration in 2010. I confirmed that the plate that was on the back of the Toyota Celica was the plate that I had run, and it was. It still came back to a Honda Civic.

So I pulled in-behind the Toyota Celica in the left-hand turn lane on 8th and Grosvenor, and waited for the car to make a legal left-hand turn on a green light, and activated my emergency red and blue lights to initiate a traffic stop. At this time, the car proceeded into the parking lot, making a right-hand turn,

eastbound through the separation in the concrete median, and then made a left-hand turn, and then a left-hand turn into a parking lot (sic) -- a parking spot facing west-bound in front of the Shopper's Drug Mart.

At this time, I noted that the driver's side door -- or sorry -- the passenger side door opened first. And a male exited the vehicle. And then the driver's side door opened, and the male driver exited the vehicle. At this time, I used the loud haler in 477, otherwise known as the loudspeaker, to instruct both occupants to get back into the vehicle. As it was August and I had my driver's side window down, I observed and heard as the passenger, who is, now, known to me as James Stewart, told me to "Fuck off", and kept walking.

I exited my patrol vehicle, and observed as the driver walked towards me. I told him to get back in his vehicle. He failed to do so, walked by me, brushing his left shoulder into my left shoulder as he walked by. I instructed the male, who is, now, known to me as Jarvis Stewart, to stop, requested his driver's license. He refused and began yelling at me that I had no right to detain him.

At this time, James Stewart, who was approximately two car lengths away from my location, began telling me to go fuck myself. I again asked Jarvis Stewart for his driver's license, explained that he had been stopped -- it was a traffic stop for the misuse of plates. He continued to ask me if I was a peace officer or a police officer and would not provide me with his name or any photo identification.

I explained to Mr. Stewart, if he didn't have his driver's license on him, his name and date of birth would be sufficient, as I could run it on my inboard -- onboard computer through the SGI system. And Mr. Stewart failed to provide his name, date of birth, or any type of photo identification. He continued to ask me if I was a police officer or a peace officer. He continued to tell me that he didn't believe in our laws or that I had any right to detain him, and attempted to walk away.

I informed Jarvis Stewart that if he did not provide me with his identification or did not adhere to my commands with regards to the traffic stop that he would be arrested for obstruction. I gave Mr. Stewart ample opportunities to provide his name, date of birth, or photo ID. He continually stated -- asked me if I was a peace officer or a police officer, and continued to rant about how he didn't believe in our laws.

All the while his brother was continually telling me to fuck off. Mr. Stewart made a 180 degree turn, and began walking towards Shopper's Drug Mart. I again --

THE COURT: I'm sorry, which Mr. Stewart?

THE WITNESS: -- informed him --

THE COURT: I apologize.

THE WITNESS: I'm sorry. Jarvis Stewart made the 180 degree turn and started walking towards Shopper's Drug Mart. I again asked him for his identification, again explained to him the traffic stop, and if he continued to walk away, that he would be arrested for obstruction. He again told me to fuck off and that he had -- I had no right to detain him.

And at this time, I informed him that he was under arrest for obstruction. I took Mr. Jarvis Stewart's left wrist, placed him in a handcuff, and he attempted -- attempted to pull away. I gained control of his right wrist, placed it in a handcuff, and at this time, he was arrested for obstruction.

While arresting Mr. Jarvis Stewart, James Stewart began marching towards me in an aggressive manner. He had both fists clenched. His teeth were clenched. He began swearing at me to let his brother go. As I

had one individual in custody and Mr. James Stewart was clearly agitated, I requested back-up to my location, through -- using my portable radio, I contacted our communication centre.

It should be noted -- excuse me -- traffic unit 477 that I was operating that day, we don't have a secure area to place individuals that are under arrest, so I could not place Mr. Jarvis Stewart in the rear of the patrol car. I maintained my position on the driver's side of 477 with Mr. Jarvis Stewart in custody, and watched James Stewart as he continued to yell and scream in my direction, telling me to let his brother go.

He continued -- continually telling me to go fuck myself. Mr. James Stewart walked towards me, again with both fists clenched. At this time, I was unsure if he was going to stop. I raised my right foot in -- in anticipation that he would be charging towards me, and I would be prepared to kick him, to get him away from me. I told him to stop. He did.

He turned around, went back towards the Shopper's Drug Mart, continually ranting and swearing, and then came back towards me again. Again I lifted -- lifted my right leg and prepared to kick at him, if he did come too close.

Q I apologize, Constable. I need to interrupt you here before I forget. Can you at this time demonstrate for the Court and all of us what you were doing with the detained individual, and how your right leg was positioned for us, please?

A Yeah, sure. If 477 is here at an angle, I had Mr. Jarvis Stewart in handcuffs right here. Mr. James Stewart was walking towards me, clenched -- clenched fists, clenched teeth. He's sweating profusely. As he got to about where you are, I raised my right leg, simply like this, prepared to kick at him, if he got too close. Like I said, I told him to stop. He stopped, turned around, went back.

I -- he made it to the Shopper's Drug Mart awning, where he made another 180 degree turn, continually ranting and swearing, and came back towards me again in the aggressive manner, both fists clenched, teeth clenched, sweating profusely. I then lifted my right leg. If he got too close, I was prepared to kick at him.

Q I'll just stop you there, Constable, because we're leaving a record here. So you're indicating that your police car number 477 was on your left-hand side when you -- motioned just now?

A That's correct. It would be right here.

Q Okay. And when you said about from you to me, we're talking about six to eight feet would you agree?

A Yes. I would agree, it's approximately eight feet.

Q And how high off the ground did you lift your foot?

A (No audible response.)

Q You can use centimetres or inches, whichever is easiest for you.

A Six to seven inches.

Q Okay. Please, proceed from then on?

A Mr. James Stewart then began circling around in front of me, approximately from where you are, eight to ten feet, with his fists still clenched, still yelling and screaming. And at this time, I heard what I believed to be a police siren rapidly approaching my -- my location.

I noted traffic unit 474, which is an unmarked blue Crown Victoria, eastbound on 8th 8 Street. It pulled into the parking lot with its emergency lights and siren activated. It stopped approximately three car lengths from my location. I observed as Constable Schaefer exited the driver's side, and Constable McAvoy exited the passenger side of 474.

At this time, I told them that Mr. James Stewart was arrestable for obstruction, and observed as Constable Schaefer told Mr. James Stewart to stop.

It should be noted that when 474 entered the parking lot, James Stewart yelled, "Here come the fucking heroes."

Mr. Stewart-- James Stewart began walking westbound through the parking lot. Constable Schaefer again told him to stop. He ignored that command.

Constable McAvoy and Constable Schaefer attempted to arrest him. I observed as they struggled with him. Mr. Stewart. James Stewart began flailing around his arms and legs, and ended up on the -- the ground, where I noticed that he immediately placed both his left and right hands in the pockets of his hooded sweater, and would not produce his hands for Constable Schaefer and Constable McAvoy.

I watched as he continued to flail around, and they struggled to gain control of him. I noted a marked police car enter the parking lot, and Constable Hounsell and Constable Boyce exited that police car. They took custody of Jarvis Stewart for me, as they have a secure area in the rear of their patrol vehicle to house arrested persons. I then attended to Constable Schaefer and Constable McAvoy, and assisted with gaining control of James Stewart and placing him in handcuffs. Mr. James Stewart was subsequently placed in the rear of Constable Smith's police car, who arrived on scene shortly after.

You don't say?

-/-

Bryce continued with his questioning of Keating. I was incredulous. They were so arrogant they were using the ludicrous idea that Jarvis not only refused to identify himself, but that he was somehow belligerent, aggressive and foul-mouthed during the interaction with Keating. It was so juvenile it made my head spin.

(BRYCE PASHOVITZ) Q It may be best for you just to carry on from what happened after you just finished there. Did you take any steps to look inside the vehicle that you had stopped, and if so, tell us about that?

(JAY KEATING) A I still had not identified either Mr. Jarvis Stewart or James Stewart, as they had failed to provide their date of birth, their names, or any type of photo identification. Constable McAvoy had attended to the Toyota Celica with the -- the improper plate on it. He had located a piece of paper --

Q And did he eventually show you this, as well, too --

A He did.

Q -- or not? Okay, sorry. Carry on then.

A It was an Affidavit signed by a James Stewart, and there was one signed by a Jarvis Stewart. I used SGI on my computer inside my car, and confirmed that the photo ID -- or the photo on SGI of Jarvis Stewart was the -- the male driver of the vehicle that I arrested for obstruction. And James Stewart also had a photo on SGI. And that the individual that was in the passenger seat.

*Is that what you call a classic **Freudian slip**...? "I used SGI on my computer inside my car, and confirmed that the **photo ID**- or the photo on SGI..."*

Q Are those same two individuals here in the courtroom today?

A Yes. Jarvis Stewart is wearing a yellow and red rugby shirt. And James Stewart is wearing a grey hooded sweater.

Q Thank you.

A (No audible response.)

MR. PASHOVITZ: Identifying the accused for the record, Your Honour.

Q If you could carry on from what you did after that then, Constable?

A I then attended to Jarvis Stewart, who was in the back of Constable Hounsell and Constable Boyce's police vehicle. I told him that he -- that he was arrested for obstruction, I read him his Charter rights and caution and police warning. For the direct quote, I'd have to refer to my notes.

Q That's fine.

A I then attended to Constable Smith's patrol vehicle, where James Stewart was being detained. I told him that he was under arrest for obstruction and, as well, resisting arrest. I read him his Charter rights and caution and police warning.

Q Before I move on to the next area, did you at that point in time tell them that you had found out what their names were, or did they at that point in time provide you with their names?

A They never provided me with their names. I told him that I had gotten their names through the SGI system.

Q Okay. What happened after those pieces of information were provided to each of them?

A Again, for the exact quotes, I read them their Charter rights and caution and police warning. For the exact quotes, I'd have to refer to my notes. Then I attended to the Toyota Celica, where I obtained the

VIN number off the front left-hand dash area of the vehicle. I -- the CPIC query of that vehicle showed that it hadn't been registered since 2006. I then seized the plate off the back of the Toyota Celica, which I've brought to court today, as it belonged to a Honda Civic that had not been registered since 2010. Sergeant Spot of the traffic section had arrived on scene, and he was going to stay with the vehicle until it was towed.

Further questioning of Keating continued...

(PASHOVITZ) Q During the call for backup, did you say anything about assisting you in arresting anybody at that point in time or not or --

(KEATING) A I'm not sure what -- what quotes I used in calling for backup. I remember -- I know that I requested another unit attend to my location.

Q What did you say once those officers did get to the scene or --

A When Constable Schaefer and Constable McAvoy exited 474, I told them to arrest James Stewart for obstruction.

Q Where was James Stewart when you told Constable Schaefer and Constable McAvoy that information?

A He was roughly between where my patrol -- patrol vehicle was parked -- 474 was approximately three car lengths away from the rear of mine, so they had just come through the -- the concrete separation in the parking lot. Their PC was facing northbound. He was approximately in the middle of those two police cars, and then began walking westbound.

Q Okay. So did he begin walking westbound after you told the other two police officers?

A After I told them.

Q Okay. Can you use some, I guess, distances or feet for me, as far as saying how far away the two constables were when you told them to arrest him and where James Stewart was, as far as feet away from you when you told them to arrest him?

A Constable Schaefer and Constable McAvoy were approximately three car lengths away because they were just exiting their vehicle.

Q Okay.

A I immediately told them to arrest him -- Mr. James Stewart. He was in the -- well, like I said, I'm estimating he was in the middle, so approximately one and-a-half car lengths between the two vehicles. He was essentially right in the middle.

Q Okay. I understand now. I appreciate that. So how far did he get, as far as when you say he, at that point in time, walked away?

A He walked towards the -- the concrete median that's there, that's the separation. Constable McAvoy ran after Mr. Stewart. Constable Schafer began running. And they -- they made contact with him before he made it to the -- the roadway of the parking lot.

Q Okay.

A So approximately ten to 15 feet.

Q Did you hear James Stewart saying anything at that point in time?

A There was a lot of yelling and screaming. I don't have any specific quotes. I know that Constable Schaefer instructed Mr. James Stewart to stop because I heard that. And then he continued on, he continued, he didn't listen to Constable Schaefer. And they ended up getting in a physical altercation.

Q Okay. On that note, when this was all said and done, did you observe any visible injuries on Jarvis Stewart?

A No.

Q Okay. Did you observe any physical injuries on James Stewart?

A I didn't, no.

Q Okay. Did you have any role in the actual arrest, though, of James Stewart?

A (No audible response.)

In the courtroom, it was obvious by Pashovitz's body language and tone of voice, he was not expecting Keating to deny he had seen any injuries on my face. Bryce was well aware of my mugshot on file, which clearly showed facial cuts, scrapes and bruising.

Q Or that was more Constable --

A No, I didn't --

Q When I -- when I talk about that, I mean the physical arrest of James Stewart?

A I did assist in -- in gaining control of Mr. Stewart. When I arrived at their location, they already had one cuff on his left wrist. And I assisted with the cuffing procedure with the -- the right wrist.

Q And we're talking about James Stewart's eventual arrest?

A That's correct.

Q Okay. And how was he positioned by the time you got to where Schaefer and McAvoy were?

A He was on the ground, face-down, still struggling with them. I believe he was pointed to the- heading northwest, his head was to the northwest.

Q Okay. When you say "ground", what type of -- are we talking about?

A Asphalt.

The examination of Keating went on for some time. Bryce did his best to present a good deal of ambiguity surrounding the circumstances of the In-Car-Dash-Camera (ICCS) that was installed in Keating's ghost car. The examination continued...

Q Constable, I asked you earlier about an in-car camera system in your police car. You're aware that you had one operating on that particular day; is that correct?

A That's correct. They were -- the Saskatoon Police Service was doing a trial project with the in-car cameras. They were in the testing phase.

Q Okay, so on that note -- well, have you seen the video with respect to this incident --

A I haven't seen it.

Q You have not seen it ever?

A (No audible response.)

Again, it was clear from Crown Prosecutor Pashovitz's tone, he is surprised by Keating's answer. One would think constable Keating would have reviewed the footage from the video at some point over the last few months, either with the other officers who arrived at the scene or with his superiors.

Q Okay, well, what I'll propose to do is to play a video for you. I'll ask you whether it's an accurate representation of the stop you conducted that day, first of all. And then I may, from time-to-time, just pause it, just for you to identify for us other individuals that you may see on the video?

A (No audible response.)

THE COURT: Can you just -- can you explain a few things about the video first?

THE WITNESS: Yes, Your Honour.

THE COURT: When -- is it on all the time?

THE WITNESS: It -- what happens is that there's a recorder in the trunk of the vehicle. And it's constantly recording. When you turn on the lights and activate the emergency equipment, it goes back a couple of minutes, and it will then record and play back through everything that took place up until the time you activated the lights, and then continue to record after that.

THE COURT: So -- so it's always on, but it only -- it makes a different recording of incidents before and during --

THE WITNESS: It will --

THE COURT: -- and after?

THE WITNESS: -- that's right. It will save once you turn on the lights. It will save the previous couple of minutes and then it will -- so that way the best way to describe it is for a traffic offence, Your Honour, it will actually go back and show the offence, instead of just the time that I turned the lights on.

THE COURT: Okay, so --

THE WITNESS: Excuse me.

THE COURT: -- emergency lights go on, but -- I just have to write this down. But video saved represents what occurred a few minutes --

THE WITNESS: At the time of this, I believe it went back almost two minutes. I'm not sure of the exact-

THE COURT: Two minutes before?

THE WITNESS: That's correct.

THE COURT: During and after, as well?

THE WITNESS: It will -- there's a button that's placed on the front of the dash, and it illuminates when the camera goes on. You have to press that button to actually turn the camera system off.

THE COURT: Okay. Did you turn it off?

THE WITNESS: I would have turned it off after the completion of everything, probably when I got back into my -- well, I'll have to look at the video --

THE COURT: Yes.

THE WITNESS: -- but it was probably after Mr. Jarvis Stewart and James Stewart were taken to SPS detention, when I got back in my patrol vehicle, on my way to detention, I would assume that I would have turned it off at that point.

THE COURT: You're not -- you're not sure?

THE WITNESS: I'm not -- I haven't watched the video, Your Honor, so I'm not sure.

THE COURT: All right. So how long is the video?

MR. PASHOVITZ: It's -- by my count, it's 24 minutes, I'm estimating, Your Honour.

THE COURT: All right. Okay. Do you wish to show it?

MR. PASHOVITZ: I did -- would, Your Honour.

THE COURT: Okay. You've seen this?

MR. PASHOVITZ: Yes.

THE COURT: Okay.

MR. JAMES STEWART: Oh, yeah.

MR. JARVIS STEWART: This is the only video you have though, right?

THE WITNESS: (No audible response.)

MR. JARVIS STEWART: Out of the ten cars, there's only one video, just so we're clear?

THE WITNESS: (No audible response.)

MR. JAMES STEWART: And there is no audio?

THE WITNESS: (No audible response.)

MR. JAMES STEWART: We're trying to figure out why there's no audio

MR. JARVIS STEWART: There's no audio?

THE COURT: Just -- just a minute. Just a moment.

MR. JARVIS STEWART: There's just --

THE COURT; Let's --

MR. JARVIS STEWART: -- there's just one video?

THE COURT: Will you -- let's just wait. You'll have a chance to ask. All right, I'll need to see it better than that, so --

MR. PASHOVITZ: I'm in your hands, Your Honour, as far as where we want the screen positioned.

THE COURT: Well, the screen is fine there, if you could just turn it a twitch towards me?

MR. PASHOVITZ: (No audible response.)

THE COURT: Or maybe that will make it even more -- yes, that's better. -- and if you could back up your machine there and make it bigger? Now, I have to be able to see it, the witness has to be able to see it, and the accused has to be able to see it.

MR. PASHOVITZ: Can you guys see it?

MR. JARVIS STEWART: Yeah, no problem.

MR. JAMES STEWART: I can see it.

THE COURT: Yes. And --

THE COURT: Do you know what, the best place for it would be over here, if -- if you could do that, that way?

MR. PASHOVITZ: We could do that, Your Honour.

THE COURT: And that way everyone is -- is sure to see it.

MR. PASHOVITZ: Do you want to (inaudible) it all -- or the machine?

THE COURT: Why don't we do that. And I'm just going to take a two minute break anyways, I -- I think.

MR. PASHOVITZ: Certainly, Your Honour

COURT CLERK: All rise. This Court stands adjourned for a few moments.

(COURT ADJOURNED)

Once court reconvened, Bryce and Keating began explaining and describing the only video they released as evidence. It was quickly apparent that the video from Keating's car was next-to-useless. Which begged the question why the SPS even released it.

It is worth noting, however, they had covered up (muted) the audio along with any & all ICCS footage captured from the other nine vehicles that responded to the scene, in emergency fashion. Why did they think this video could somehow add credibility to their farcical, porous story of aggressive, belligerent behaviour exhibited by the Stewart brothers?

THE COURT: Mr. Pashovitz, does this show anything relevant to the case?

MR. PASHOVITZ: Well, you may have already heard some questioning by the two individuals who have been charged about the number of videos. For the record, I can state that this is the only video that I'll be playing in this case. I felt I should play the entirety of the video, just to show the two individuals who are charged. I'm not –

THE COURT: Well, they've seen it.

MR. PASHOVITZ: -- I'm not hiding anything. I'm just playing the video that I have, so --

THE COURT: Is there anything relevant further?

MR. PASHOVITZ: No, no, not in my opinion, Your Honour.

THE COURT: Do you agree with that?

MR. PASHOVITZ: I just thought -- I should play the entire video, so --

MR. JARVIS STEWART: I agree, yeah. We've been --

THE COURT: There's nothing on this particular video that's relevant from this point on?

MR. JARVIS STEWART: Pretty much, no. I mean, it's just -- just the unlawful searches of our car.

THE COURT: Pictures of - pictures of cars.

MR. JARVIS STEWART: -- Yeah. I mean, we've been having them -- ten -- over ten police vehicles responded to this scene, and this was the only video we have received. And even the audio on this video, as you can see on the fourth audio button, has been muted out. For some reason, we've never been given an adequate explanation as to why that happened or where, if -- if there is any other video, so --

THE COURT: All right. Okay, well, if you say -- if there's nothing relevant, there's no sense in wasting Court time in showing the rest of this.

MR. JARVIS STEWART: That's it, thank you, Your Honour.

THE COURT: Is that okay?

MR. JAMES STEWART: Yeah.

Heaven-forbid we waste any court time! We've only wasted months and months of our own time. Judge Singer appeared frustrated and impatient with the video and what little it actually revealed...

THE COURT: All right. That's good.

Q I'll just -- if I may --

A (No audible response.)

THE COURT: I have a question about that though. Is there no audio?

THE WITNESS: There's no audio, Your Honour. Actually number 4 has nothing to do with what's going on with -- this particular --

THE COURT: Well, I don't care about that. There's just no audio?

THE WITNESS: There's no -- there's no audio. The -- the microphone -- this, again, was at the trial phase. There's only two vehicles in the fleet that had the cameras. This was one of them. The audio was not working.

THE COURT: All right.

No audio, according to Keating... And there you have it. Even though, by their own admission, Keating's unmarked car had its ICCS installed back in November, 2011...

Before Bryce had finished with Keating on the witness stand, they had one last exchange which I feel was worth noting.

(PASHOVITZ) Q Constable, I didn't want to pause the video right off the start, but it's my recollection that once you stopped behind the vehicle that's shown in the video, that an individual is seen exiting out of that white Toyota; is that correct?

(KEATING) A Out of the passenger side, yes.

Q The name of that individual?

A That was James Stewart.

Q Did he say anything to you at that point in time?

A When I used the loud hailer to tell them -- both individuals to get back in the vehicle, James Stewart simply told me to fuck off.

Q Okay. Do we ever see in the video Jarvis Stewart, when you've watched it just now?

A Not from this angle.

I always thought this exchange was interesting, as Keating admits he never watched the video at any time prior to the trial. When he is asked if Jarvis can be seen in the video, instead of simply answering 'No.', he responds, "Not from this angle."

Which leads me to believe there may have been different video captured from another vehicle(s) which does, indeed, show Jarvis. If there was video recorded from a different ICCS, this would obviously be visible from another angle.

MR. PASHOVITZ: If -- well, Your Honour, I wouldn't mind taking the morning break now. I know I took a few minutes to queue up that video. I just want to review my notes. I don't believe I have any more questions for examination-in-chief of this officer, but I just wanted to check my notes.

THE COURT: Right.

MR. PASHOVITZ: And if I don't have very many questions, I'm sure we can commence the cross-examination as soon as we come back.

THE COURT: All right. Let's take a break then.

MR. PASHOVITZ: Thank you, Your Honour.

COURT CLERK: How long do you want to take, Your Honour?

THE COURT: Fifteen minutes should be about it.

COURT CLERK: Okay. All rise. This court stands adjourned for 15 minutes.

(COURT ADJOURNED)

(COURT RECONVENED)

MR. PASHOVITZ: -- Your Honour.

(PASHOVITZ) Q Thank you for answering all of my questions, Constable. Please, answer any questions that are, now, asked of you.

(KEATING) A (No audible response.)

THE COURT: All right. Cross-examine, I take it, you're going to be doing that?

MR. JARVIS STEWART: Yeah, I guess so.

MR. JAMES STEWART: And I may have some questions, Your Honour.

THE COURT: Okay, well, let's go with one first, and then the next.

After Bryce had examined Keating, it was Jarvis' turn to cross-examine this police officer who had initiated the incident and the fiasco that unfolded. After Jarvis completed his questioning of Constable Keating, I was given an opportunity of my own. Apart from some nerves, and apprehension about being in court and having my accuser in the witness stand before me, I began my cross-examination of Keating.

Although I had never been to court before, nor watched many court dramas on TV, my research on criminal legal proceedings and representing oneself gave me some understanding of the process and what I could expect as a defendant. I did my best to stick to my questions and notes, while attempting to remain calm and unemotional after listening to Keating's ridiculous version of events. For the most part, I felt my first ever cross-examination of a police officer was, in a word, productive.

The next exchange commences after I have already begun my cross-examination of Keating.

(JAMES STEWART) Q That's fine. Thank you for answering that question. When you got out of your car, did you identify yourself as a police officer and the nature of the stop?

(JAY KEATING) A I didn't specifically state that I was a police officer, no, but -- I did --

Q You did not specifically state you were a police officer; is that correct?

A (No audible response.)

Q You did not specifically state?

A Okay, I -- when I conduct traffic stops, I don't get out of my vehicle and announce that I am a police officer, no.

Q But it is an unmarked car?

A It has flashing red and blue lights.

Q You did not have a microphone on you at the time?

A With regards to in-camera service?

Q To your in-car camera service, ICCS?

A Yes. There was a microphone that was attached. It actually fits in this little pouch right here. This was the trial phase for these cameras. There was one in 477 and one in 478. For some reason, the audio was not working.

There it was again. Some reason. What reason? For some strange, mysterious, magical, unavoidable, unbelievable reason, the audio did not work... how convenient for him.

I pressed on with my cross-exam. In order to further push the narrative that Jay Keating was obligated to physically restrain Jarvis, he needed an element of struggle or altercation to ensue. I was convinced he had to justify his heavy-handed actions by portraying Jarvis as the instigator. He was trying to pretend that it was Jarvis, and not himself, that was the aggressor. His entire story about Jarvis walking away, turning and coming back, then bumping into Keating or pushing past him was complete and utter horseshit.

(STEWART) Q How tall are you?

(KEATING) A Six foot seven.

Q Six foot seven?

A (No audible response.)

Q Now, when you said that my brother, Jarvis Stewart, brushed past you and hit you shoulder-to-shoulder, would you say that's a little odd for someone who is five, nine and-a-half?

A Yeah. I clarified that in my testimony. I said that he touched my left arm.

Q He touched your left arm?

A (No audible response.)

Q He just touched it, or he brushed past it?

A He brushed by. With his left shoulder, he made contact with my left arm.

There it was.

His weak, unplausible case that somehow, Jarvis was the one who initiated aggressive contact, first, with Keating and not the other way around. It was the only way Keating could somehow justify his response, to fabricate the actual events surrounding the incident, which could satisfy his requirements of physically restraining Jarvis and placing him under arrest. Admittedly, Jarvis never approached the officer in any manner, let alone in a hostile or aggressive state. The missing audio of the event is a clear indication the entire story concocted by Keating was untruthful, unsubstantiated and clearly unbelievable.

The irony of the *incident* rests on the fact that Constable Keating (or the others) did not even fill out the **notice of seizure and impound**, as required by the Traffic Safety Act. Which means, when he took Jarvis' Toyota Celica vehicle, he was, by definition, stealing the Celica and committing theft. Sad but true. The forms act as a receipt. Like a commercial exchange. A bill of goods-sold or services-rendered. The very people enforcing the Traffic Safety Act, cannot even follow their actual rules.

Ultimately, Jarvis and I kept our questioning of Keating to a minimum. He was obviously going to say whatever he needed in order to fabricate his story to cover up and justify his outlandish behaviour and we both figured the less we interacted with him on the stand, the better.

Chapter 31 – Constable Vincent Schaefer

Up next was Constable Schaefer. Following his swearing in and introduction, Bryce began his examination. He then allowed Schaefer to go into some details about his actions and involvement at the scene that evening.

Court Transcript Continues...

(BRYCE PASHOVITZ) Q Okay. Well, at this time, Constable, tell us what you were called to attend to, what time that was, take me all the way through, please?

(SCHAEFER) A Okay. It was approximately seven o'clock that evening. I was with Constable McAvoy. And we were in the 1100 block of 8th 25 Street. I was the operator of the vehicle. We were parked in a parking lot, and I was operating a radar, getting people speeding on 8th Street heading westbound. And over the radio I could hear Constable Keating requesting our assistance.

I've never heard Constable Keating request for assistance in the past, so this would be the first time, and it's not common for him to do this. There was, like, stress in his voice, saying, "I need immediate assistance." And he indicated he needed it at 8th 9 and Grosvenor, where Shopper's Drug Mart is. So Constable McAvoy and myself – myself gathered our equipment from the -- and were in the car, and we ended up heading eastbound on the 8th Street and to his location with full lights and siren.

When we got there -- it took about -- about a minute to -- to get there, a minute, a minute and-a-half. We just had to go around a little bit of traffic to get to where -- the location where he requested assistance at.

Q Carry on.

A We ended up getting into the parking lot of Shopper's Drug Mart. And I had noticed that Constable Keating, who was working alone at the time, had one male in custody. And he requested that we take another male into custody. He indicated, "Arrest that man," and he indicated to me to arrest who now I know as James Stewart, the person in the white coat. I could have drawn a photo or a picture, I guess, of the layout, if you like?

Q Well --

A But I'll --

Q -- maybe I'll just --

A -- I'll see if I can describe it.

Q Sure.

A The -- it was just west of the Shopper's Drug Mart, in the parking lot at 8th and Grosvenor. I had pointed my car directly at the scene. There were some curbs in the way. It was a nice evening. It wasn't raining. It was just a regular summer evening. Constable Keating had ordered me to -- or wanted me to arrest James Stewart, but there was no time for us to discuss the matters of why he wanted him arrested.

He just wanted him taken into custody. He already had his hands full with Mr. Jarvis Stewart, as well. Jarvis was already handcuffed by Constable Keating. And he -- there wasn't a lot of conversation, other than, "Have him placed under arrest."

Q Mmhhh.

A I heard James say, "Here come the heroes," while he was looking at us. I -- at this time, I was already out of the car, walking towards him. I had -- had indicated that it was a summer day, the pavement was dry. And because of the reasons of him being a taller male than myself, he was already in a situation with Constable Keating, and the fact that I wanted control of the situation a little better, I had had asked him to lay on the ground.

It's a normal police technique to have a person on the ground for better control, for handling. It was under -- so I had made the -- the demand for him to go to the ground. He stated, "No, I'm not doing that," and began walking towards his Celica. Just maybe to paint the picture a little bit better, Constable Keating had his emergency vehicle with the lights on. There was no siren, but it was parked directly behind a white Toyota Celica in the parking lot. He already made a traffic stop on this -- no this vehicle.

Beside the white Celica was another vehicle. I don't know the make and model, but there was two occupants of the vehicle. They were, kind of, watching what was going on, the events that were unfolding.

Q You're welcome.

A So -- so James was walking towards the vehicle. It made a -- it looked in my mind that he was trying to evade police. He already heard Constable Keating say, "Arrest that person." And this is because I heard Constable Keating without any issues, and James was closer to -- to Constable Keating than myself. So I had asked him to go to the ground. He said, "No, I'm not doing that." I repeated the command to go to the ground. He said, "No." So then I approached him. I -- in order to make the -- effect the arrest, I grabbed him to his arm. I'm not sure which arm.

However, I made contact with him. I also noted that he had had his hands stuffed in the pockets of his bunny hug that he was wearing that day. And he had lowered his body weight, almost like a stance a person would take, as if they were ready to start a fight. At this point, I had grabbed his arm, trying to effect the arrest. And Constable McAvoy, who was the passenger in my car, came around and went behind him and -- and did a -- like, wrapped his arms around the back of -- of James. He didn't go to the ground immediately.

He was requested to, "Go to the ground, go to the ground." And then he had been taken to the ground by myself and Constable McAvoy. At this point, he had fallen to the ground. I did direct his head to the ground, as well. And he had landed in such a way that his right arm was under his body. Constable McAvoy had requested, "Get your arm out in front." Again, I did not see his hands at the time. It was unknown if there was a weapon in his pouch or in his -- his pockets because he didn't take his arms out at any time.

So for officer -- officer safety reasons, as well as to handcuff him, we requested that his arm come out behind his back. I had tried to pull out his arm, his right arm from his body, as he was laying on his face and the front body -- like, his stomach. And as I was pulling his arm out, I felt him tugging the arm back in. He was hollering and yelling, trying to get some sort of support from the crowd around him that was, now, forming. At the same time, I noticed that his -- his head was flipping back and forth, trying to see us. It looked as if he was rubbing his face into the ground at some point, too.

Q What type of ground are we talking about here?

A It was pavement, asphalt. There would have been a little bit of dust or gravel from the road, from vehicles. However, it was not wet at all. Constable McAvoy had applied some pressure on his arm. I heard James say, "You're going to break my arm." We said, "Well, then pull your arm out from beneath you." Eventually the arm was -- the right arm was brought out and put behind his back, and I had placed a handcuff on his right arm.

And I had given his right arm to Constable McAvoy to handcuff his left to his right through -- over his back. He was then searched. Constable Boyce and Constable Hounsell came in during the handcuffing and assisted us in ensuring that he was handcuffed and secured. He was searched, and he was eventually stood up and put into the back of a marked patrol car with a silent patrolman. There is no silent patrolman in the traffic cars, so we had patrol transport him down to detention.

Q Do you know which patrol officers did that or not?

A Constable Smith had transported him to detention.

Q Okay. And we're talking about --

A James.

Q -- James --

A Yeah.

Q -- Stewart? Okay.

A I don't recall who transported Jarvis.

Q Okay.

A There was profanity and obscenities shouted at us by James. I don't recall what Jarvis had said to me. I didn't have much dealing with Jarvis at all at that point. So he was transported to detention, and then our focus was, now, on the -- the vehicle stopped, looking at the vehicle that they were driving. It was not roadworthy at all. There was a lot of defects with the vehicle.

I had noted right away that there was a huge indent into the driver's door. It looked like -- as if it -- you know, it wouldn't have opened easily. Like, it was just - it looked like it was in a collision with another vehicle. So there was concern for structural integrity, why this vehicle should not be on the road.

Also, walking around the vehicle, we noted that there were some issues with the taillights being painted over, problems with the side marker lights being painted over, so we had spoken to Constable Keating about what -- what the issue was with this vehicle, and why it should not go back on the road.

Constable Keating also mentioned to us that he had a plate with a sticker on it that said, "Continuous"; however it looked like a photocopy on it. I had looked at the plate myself, and saw the photocopy that said, "Continuous" on it. The plate did not match the vehicle. And when we looked at the -- the VIN number on the dash, it almost looked like it was not able to be read very easily. It -- it looked like -- almost it would have been tampered with at one point.

However, after looking at it closely, it was just hard to read. There was one part in our minds that we thought that this vehicle may have been stolen. We had done a search on the plate, the history of it, the -- the identification number, and the last known registered person was out of B.C. Searching it a little bit more, we had found that that person had been deceased for some time. We were wondering, well, how does that connect to these -- these men, and how the vehicle came from B.C.?

Q Sorry to interrupt, but -- were all of these checks being done while the vehicle was still at the scene or -

A Yes -- it was.

Q Okay. Sorry, carry on then.

A So there would have been a little bit of time from when they had been transported from patrol until the time that myself and Constable McAvoy and Constable Keating had attended to detention. We also waited for a tow truck to arrive to take it to our compound.

It turned out that it wasn't stolen. However, the investigation went that way for a certain point. And then we just determined that it was just not registered. We did locate later on that there was a bill of sale in the vehicle. That vehicle appeared to have been bought legitimately. However, it took a little bit of time to find that.

Imagine my complete lack of surprise...

Q About how much time, Constable?

A (No audible response.)

Q I'm maybe putting you on the spot here, but --

A Probably about an hour, an hour and-a-half.

Q Okay.

A Okay.

After questioning Schaefer about the irregular activity, the Stewart Brother's were allegedly committing, Bryce continued to try and get a sense of the events that unfolded in the parking lot.

(PASHOVITZ) Q Okay. Thank you for that. Please, proceed as far as what the scene looked like to you.

(SCHAEFER) A Okay. Constable Keating was standing by the – his patrol vehicle 477. And he already had Jarvis in handcuffs. But he -- it appeared to me that he was, kind of, backing away from James, with still maintaining control with one hand on Jarvis's handcuffs. Jarvis was standing near the wall, on the west side of the Shopper's Drug Mart.

Q I'm sorry, would that be Jarvis- or James?

A I'm sorry. James, James. Thank you. James would have been standing. He wasn't in custody. He had his hands in his front pockets of his bunny hug. I stand up out of my patrol car, and he states -- James says to me -- or to our direction, "Here come the heroes." Constable Keating say -- says to me, "Arrest that man," or, "Arrest that person," or, "Arrest him." It was clear to me that that person needed to be placed under arrest.

James walks away from the Shopper's Drug Mart, walks across the parking lot, away from Constable Keating, and towards where his Celica was parked. I -- and, again, based on the fact that Constable Keating's a very large man, he's already asked for assistance, I've noticed the size of James. He's a bigger person than myself. And I wanted to have control over him.

Using the minimum amount of force I could to effect that arrest, I wanted to have control of -- of him, by having him lay on the -- on the pavement. We call it a prone position. And we've been trained this from police college to have him proned-out. If he's laying (sic) on the ground, there's no way of (sic) him to run away from us, to flee, I guess. He says, "No, I'm not doing that."

Q I'm sorry. So what's the first thing that you, yourself, say to James?

A "Get on the ground."

Q Where was James positioned when Constable Keating told you the phrase, "Arrest him," "Arrest that man," "Arrest that person"?

A He was still close to the Shopper's Drug Mart, by the west wall. Just -- it seemed -- and I picture in my mind, it was just off the sidewalk. There's a -- kind of, a deep sidewalk, walkway, that, kind of, has an overhang from the building that people can shelter themselves from the rain or whatnot.

Q Did you believe that James Stewart had heard Constable Keating say, "Arrest him," or, "Arrest that man," "Arrest that person"?

A I do.

Q Tell -- tell the Court about why you believe that?

A Just from the fact that Constable Keating directed it loud enough so I can hear it, and James was close to -- or closer to Constable Keating than myself.

Q Are you able to say how close James was to Constable Keating?

A (No audible response.)

Q Or by pointing to something here in the room or whatever is easiest for you?

A I was at the -- the curb that you would turn into the -- the parking lot by Grosvenor. It's -- there's enough room for a vehicle to park facing westbound. There's enough room for another vehicle to park towards the building. And there's enough room for traffic to -- to go in-between the vehicles. The parking lot -- I would estimate it -- oh, probably 150 feet. That was my distance to where Constable Keating was. And James would have been about 30 feet from Constable Keating when he said, "Arrest that person." I heard him at about 150 feet.

Q Okay. I appreciate that. Carry on then, as far as what you said to James and what his responses were?

A Okay. I had ordered him to get on the ground once. He says, "No, I'm not going to do that." I ordered him twice to go on the ground. "No, I -- no," was the statement. He still was in motion, walking towards his Toyota. And we approached him. And we had -- again, I had tried to affect the arrest by making contact with him by grabbing one of his arms.

Again, I don't recall which arm it was, but I made contact with him. He had taken a stance where he would have his hands still in the pockets of his bunny hug. And he dropped his body weight. Constable McAvoy then went around him and held on to his body. It was apparent that -- we have a use of force continuum. And it appeared that he was actively resisting, using that phrase, basically saying he did not want to be arrested. He wasn't making a -- not a runaway to flee, but he was not complying with the police. For that use of force, we could use different levels of force at our disposal.

This would have been something where we could use anywhere from a soft body contact, whereas we're holding him using a twist-lock, using pressure points, to an actual hard control tactic, where we would physically take control of him and put him to the ground. I already started with the soft control technique of holding onto his arm, but he pulled away from me on that point.

And this is where Constable McAvoy went around him, grabbed him, and I directed him to the ground using his head, and Constable McAvoy also followed through with his body weight on him. The way he landed was on his front. And he had his right arm under his body. Constable McAvoy already had his left hand. Your Honour, I can demonstrate, kind of, the best I can by standing. Left hand behind his back. Constable McAvoy was on his back, applying pressure upwards to get -- essentially a pain compliance for him to remove his right hand out from under his body, to put back to effect the cuffing.

James did say, "You're going to break my arm." Constable McAvoy said, "Put your right arm behind your back." I -- the crook of the elbow would be sticking out of the body a little bit, and I would have been pulling on the -- the right arm. But I also felt him pulling back into his body. Eventually, after - you know, this is all going on about ten, 15 seconds. It happened very quickly.

The -- the right arm was pulled out behind his body because his left hand was already behind him. A handcuff was -- was put on his right wrist, and then it was connected to his back with his left hand. He would have been rolled to his side, and he would have been searched. And just to -- you know, looking for anything for weapons of escape, anything for officer safety, he was searched for. He was stood up, and then he was taken by other officers.

It was – I believe it was Constable Hounsell who had directed him, and Constable Smith, I believe, directed him, and put him in the back of that patrol car. I don't recall the number of that car. But he was placed in there. I did notice that there was some scrapings on -- on his face, on James's face from the -- the contact he had with the arrest.

Q Are you able to -- when you say "the contact with the arrest", can you elaborate on that for me, please, as far as --

A There was some scratches, some little scratches across his nose, across his cheeks. There was also an abrasion on his forehead.

Q Did you see what had come into contact with his face to lead to those?

A It would have been on the pavement of the ground.

Q Did you have any role in doing that or not, can you tell me about that?

A Yeah, I would have because I would have held onto his head to take him down to the ground. But I also noted him -- like, there could have been some -- well, there would have been contact with the ground at that point. But I also noticed that he was pushing his face back and forth against the pavement, looking to see where we were in relation to -- you know, where -- because I had to -- I had my arm on -- or his hands on his right arm, trying to pull him out.

And I'd seen his head going back and forth. At one point, I approached the patrol car. I had not opened the door, but I had opened the front driver's door, rolled down the back window, and advised him that he was under arrest for obstruction. And then this is when Constable Smith was behind me. And I asked Constable Smith to read him for rights to counsel for the obstruction. And he had his notebook out. He recorded that. I heard Constable Smith read to James for his arrest, that the -- the reasons for his arrest for that.

Q Okay. Up until that point in time, I take it then, you weren't reading from a card, certainly?

A No.

Q Anything you said was just off the tip of your memory --

A That's right.

Q -- as opposed to from a card? You've been talking about James Smith (sic) and Jarvis -- I'm sorry -- James Stewart and Jarvis Stewart. Are they in the courtroom here today?

A (No audible response.)

Q Can you point to them, please?

A Yes. This was Jarvis and that's James. Jarvis is in the striped shirt.

Q Thank you.

A (No audible response.)

MR. PASHOVITZ: Identifying the same two individuals as the other witness, Your Honour.

Q All of these events occurred in Saskatoon, Saskatchewan; is that correct?

A Yes, it happened at 8th and Grosvenor, which are public streets in Saskatoon, in the Province of Saskatchewan.

Q Thank you, Constable.

A (No audible response.)

MR. PASHOVITZ: If I may just have a moment, Your Honour? I believe those are all of my questions.

Q You were in the traffic section back on the date of this incident; is that correct?

A That's right.

Q You still are?

A I still am.

Q And how long have you been with the traffic section, approximately?

A I was two years in hit-and-run. It's an investigative role. It's still uniformed. And then I went to three years into enforcement.

Q How many traffic stops have you conducted, approximately?

A Thousands.

Q Okay.

A This is -- for somebody to act this way, it's not a normal occurrence during a traffic stop. However, for the traffic violations that I had noted on -- on their traffic stop, it's very typical of other vehicles that we'd see in Saskatoon: This being painted or tinted taillights; vehicles driving with body damage on it; vehicles that were unregistered; and persons driving without a driver's license.

Q Okay. Thank you very much for answering all of my questions. Please, answer any other questions that may be asked of you.

A Thank you.

THE COURT: Cross-exam?

MR. JARVIS STEWART: (No audible response.)

MR. JARVIS STEWART: CROSS-EXAMINATION ON VOIR DIRE:

(JARVIS STEWART) Q So you really had no idea why we'd -- why -- why we'd been pulled over then that day, really?

(SCHAEFER) A (No audible response.)

Q You had -- no one had indicated to you anything, this was a traffic stop?

A (No audible response.)

Q Jay Keating didn't indicate anything to you over the dispatch?

A (No audible response.)

Q You just got to the parking lot in emergency fashion?

A I did have somewhat of an idea, just based on my history of seeing traffic stops. There was an officer that requested assistance. I got there as soon as I could. It was a priority for us to attend to --

Q But he --

A (No audible response.)

THE WITNESS: -- an officer --

THE COURT: He's asking --

Q -- he didn't --

A (No audible response.)

THE COURT: -- you if you knew when you arrived there why -- why they were pulled over?

THE WITNESS: Yeah. I -- I -- for the specific reason, no, but I had noted that when I arrived.

Q So you didn't know?

A -- that there was -- a traffic -- stop that --

Q No, that's all right.

THE COURT: Okay.

A -- was conducted.

THE COURT: That's --

Q That's -- no, "No" is no.

A (No audible response.)

THE COURT: -- that --

Q But then you decided to use force to effect this arrest?

A (No audible response.)

Q You didn't know why you were there, but, now, you decided to use force; is that correct?

A That's correct.

Q So you decided to use force, and you didn't know why?

A No. I knew why I was using force.

Q You did?

A It's because --

Q Did you file a use of force report for this?

A Yes, I did.

Q You did, really?

A (No audible response.)

Q Is there a reason that Bryce hasn't been given that, or why we don't have that information?

A That's not something that normally comes --

Q Oh, okay.

A -- in with the --

Q Well, that's --

A -- the package.

MR. JARVIS STEWART: For the record, we've never been given any use of force reports in anything.

Jarvis and I did not cross-examine Constable Schaefer for too long. He had given us more than enough information which I felt adequately corroborated my version of events. I was never warned my actions would lead to my arrest. I was never told, "Stop, or freeze! Put your hands up! This is the police!" To me,

it was now painfully obvious I had been correct and truthful as to what I was doing and where I was in relation to the cars or my position in the parking lot. Further, I had not tried to flee or evade capture.

Additionally, no one gave me any indication who they were, or what they were attempting to do. They simply shouted abstract commands at me and began initiating force before I could comprehend what was happening. However, at the very end of my cross-examination, upon finishing my questioning, Judge Singer had a few questions of his own.

MR. JAMES STEWART: Okay. No further questions, Your Honour.

MR. PASHOVITZ: No re-examination, Your Honour. Thank you.

THE COURT: All right. You said -- you indicated that there was a crowd around there, and, indeed, there was two people in the vehicle next, watching?

THE WITNESS: There was.

THE COURT: Two -- two civilians?

THE WITNESS: Yes.

THE COURT: Did you or any of the officers -- other officers get statements from them?

THE WITNESS: No, I did not, no.

THE COURT: Okay. Did you or any of the other officers, to your knowledge, get their names?

THE WITNESS: No, I didn't.

THE COURT: All right. Thank you. All right, anything arising out of that?

MR. JAMES STEWART: No, Your Honour.

MR. JARVIS STEWART: If I could just make a comment about that. We actually asked --

THE COURT: Well, not a comment.

MR. JARVIS STEWART: Sorry, but -- he -- he --

THE COURT: If you have a question arising out of that --

MR. JARVIS STEWART: -- he didn't --

THE COURT: -- of this witness.

MR. JARVIS STEWART: -- he didn't get any -- any witness statements. And I've made that aware in the car because by the end of the scene, there were probably at least 50 to a hundred people watching this whole event. There were --

THE COURT: All right.

MR. JARVIS STEWART: -- police --

THE COURT: Okay.

MR. JARVIS STEWART: -- like I said, ten police cars everywhere --

THE COURT: Yes. You --

MR. JARVIS STEWART: -- so --

THE COURT: -- can tell me when it's your turn to give evidence.

MR. JAMES STEWART: Yes, fair enough. Thank you, Your Honour.

THE COURT: Okay. All right, thank you.

THE WITNESS: Thank you, Your Honour.

THE COURT: Let's -- that will be it for the morning, I think. Two o'clock?

MR. PASHOVITZ: Yes, thank you, Your Honour.

MR. JAMES STEWART: Sure.

COURT CLERK: All rise. This court stands adjourned until 2:00 p.m.

(COURT ADJOURNED)

Chapter 32 – Thank you, Bradley

The third crown witness was Constable Brad McAvoy. He took the witness stand and after going through the swearing-in, began answering questions from Bryce.

(BRYCE PASHOVITZ) Q Okay. I appreciate that. Were you on active duty on August 24th 22, 2012?

(BRAD MCAVOY) A Yes, I was.

Q Were you working alone or with a partner?

A I was working with Constable Schaefer, and we were in unmarked traffic car 474 at the time.

Q Okay. A traffic car?

A Yes, sir.

Q You're with the traffic unit?

A Yeah. I'm employed with the traffic unit. And this is into my second year as a -- in -- in the traffic unit.

Q Okay. So what were you and your partner doing that evening then?

A About -- in the matter at hand, at about seven -- about seven o'clock in the p.m., Constable Schaefer and I were conducting an enforcement duty, specifically radar enforcement or laser enforcement, speed enforcement.

Q Okay.

A At around the 11 (sic), 1200 block of 8th Street East. At this time, we heard a call over the radio from Constable Keating requesting another officer at the Shopper's 8th Street and Grosvenor Avenue. Constable Schaefer and I started heading in that direction. And shortly after the first call came in, while we were en route, there was a second radio call from Constable Keating requesting officers to step on it. As we started coming faster towards that location, there was a third call on the radio from Constable Keating that one of the males involved was heading towards the front doors of Shopper's.

We arrived shortly to the location. As we were pulling into the lot, we could see there was a male walking towards Constable Keating. When Constable Schaefer brought the vehicle to a stop, I exited the passenger door. This male was between myself and Constable Keating. And upon exiting the vehicle, I heard Constable Keating instruct to arrest this male for obstruction.

This male had changed his path slightly, and was walking across the front of our patrol car, towards the driver's side of the vehicle. I was able to hear Constable Schaefer giving this male direction to get down on the ground, that he's under arrest, while I was coming around the front of the patrol car. Once I got around to the male on the front of the patrol car, I noticed he had his hands in his pockets, and he hadn't complied with Constable Schaefer's demands, and was continuing to walk away from us.

I grabbed onto this male, and upon grabbing onto his arms, he immediately tensed up, pulled his arms tight into his body, and not -- and wasn't willing to give up his arm, and didn't take them out of his pockets. Constable Schaefer joined me. And this male was twisting, trying to get out of our grasps -- I'm sorry -- grasp with his arms still pulled tight up against his body. At that point, we decided to do a modified hip toss to take him down to the ground, with me being --

MR. JAMES STEWART: A what?

THE WITNESS: -- on his back. And trying to get his left arm under control. Constable Schaefer at that time was working on the right arm. While he was on the ground, I was giving him direction to stop resisting, and put his arms behind his back. He was still twisting and trying to get away out of our grasp.

I was able to gain control of his left arm, got it up behind his back, in a -- in a little arm bar, by putting pressure on his wrist, elbow, and shoulder, while Constable Schaefer was still attempting to get his right arm out. His right arm was eventually able to get out, and we -- the handcuff was placed on that. And then we were able to secure him, with both hands handcuffed behind his back.

Q Okay. What did you do with the individual then?

A Basically, by the time we got him handcuffed, other officers arrived, patrol officers with vehicles that were able to secure him, with the silent patrolman in the back. And after we got him in handcuffs, I -- I got up and patrol members took him and put him in the car.

Q Okay.

A At that time, I went to -- I was able to speak with Constable Keating as to what was going on. He relayed to me the basics of the stop and what was happening and why he was calling for help. And then we turned our attention to having to look at the vehicle to try and identify these individuals.

Q Tell us about that then?

A I was informed that the -- the vehicle and the plates information didn't match, these individuals hadn't produced or didn't have any identification on them. I went to search in the vehicle. I'd looked through the glove box of the vehicle. Inside there, I located documents. There were some previous traffic tickets that

had been issued to -- I believe it was Jarvis Stewart, with big red writing written across them that indicate, "I do not wish to contract." The exact phrase -- it's in my notebook, if I may refer to that, if at all possible, Your Honour.

Q No, that's fine.

A Okay.

Q Carry on.

A As well as there was some bill of sale for what we ultimately were able to trace out to was this vehicle, as well as there were a couple of documents -- a notice -- I think it was -- I can't remember the proper -- what they're properly called, or what they're titled on the sheets, but Notice of Right to Travel, as well as Affidavits of Detention, I think, it was, something like that. Both -- all of these -- these documents and the phrases that I -- I -- as I was reading briefly through them, they identified a James Stewart and Jarvis Stewart.

Q So what did you do as a result of finding those documents then?

A With those documents and the names, we were able to search them through SIMS or CPIC, as well as through SGI's database. And we were eventually able to identify the individuals that we had arrested as being a James Stewart and a Jarvis Stewart. The individual that Constable Schaefer and myself arrested was James Stewart.

And the story about us being identified, while in the parking lot, finally becomes clear...

Q Okay. Is that same James Stewart here in the courtroom today?

A He's seated with the grey hoodie on.

Q Okay. Would you recognize Jarvis Stewart, if you were to see him again?

A The gentleman seated with the striped shirt on.

Q Okay, thank you, Constable.

A (No audible response.)

MR. PASHOVITZ: The same individuals as earlier identified, for the record, Your Honour. Constable, did -- after reviewing those documents, did you have any direct contact with James Stewart or Jarvis Stewart still at the scene or --

A Those --

Q -- not --

A -- time they were inside --

Q -- or did you pass that on to someone else?

A -- in the back of the patrol cars. I don't believe I had any other contact with those individuals.

Q Okay. Did you read any rights or warnings to them from a card at all, or was that someone else's responsibility?

A I -- no, I didn't do that. The -- I -- I had nothing to do with the reading of those audible rights and warnings, I don't believe.

Q Okay. So I'm just curious, as far as you being able to enlighten me. Sometimes I hear about dispatches being the communications officer relaying something. Was this the type of situation where that was happening, or did you actually hear Constable Keating's voice over the radio?

A We heard Constable Keating's voice directly over the radio.

Q Okay, so what's the first phrase that you heard, as best as you can, repeat it for me?

A Requesting other officers to -- to assist at that location, at the Shopper's on 8th Street. As we were west of it, we started heading east.

Q Okay. So what did you do as a result of hearing that, how quickly did you move?

A Initially, we didn't -- I don't believe we were going all that -- with a lot of -- a lot of haste. Simply asking for other officers is not necessarily very urgent. We recognized the individual's voice. He said shortly after that first call came in, as we were already heading in that direction, Constable Keating asked for officers to step on it at that point in time. The lights and sirens on our vehicle were activated.

Q Okay. You hadn't activated them before?

A Not when we first pulled out, no --

Q Okay.

A -- of where -- of our position. We had to go a little bit west to turn around to come back east, but we hadn't activated our emergency equipment at that time.

Q Okay.

A It wasn't until the request for officers to step on it that we activated emergency equipment and -- and head there with our lights and sirens both fully activated.

Q So then how much time went by from the time you heard the phrase, "Step on it," until the time you got to the actual scene, approximately?

A To be honest with you, I -- I couldn't be a hundred percent. I was more focused on assisting Constable Schaefer with navigating our direction there, as to where we were going, getting him information.

Q Were you still on 8th Street at that point in time?

A We were on 8th Street at this time.

Q But how far out -- down were you?

A (No audible response.)

Q We're talking --

A When we started, when we originally left, we were in about the 1100, 1200 block, so that would put it - a landmark would be the -- a little best west, where we routine -- I'm sorry. We were between the Colonial and Clarence Avenues.

Q Okay.

A And then when the first call in, we came -- we had to pull out, go down half a block, U-turn to come back, and head towards that location. And we were already going eastbound when the second call came in and -- at which point, emergent -- our emergency equipment was activated.

Q Okay. So which cross street did the call take you to?

A (No audible response.)

Q You were staying on 8th Street, and then you ended up on 8th and which one?

A The location was at 8th Street and Grosvenor Avenue, the Shopper's Drug Mart parking lot at that intersection.

Q Okay. Who did you focus in on first, once you got to the scene, did you look at Constable Keating first, or -- did you look at these other individuals?

A Oh, when we pulled into -- the lot, we could see that Constable Keating was on his feet, and he had a male in front of him, who appeared to be handcuffed. That turned out to be Jarvis. And as I indicated, there was a male that was walking, kind of, towards Constable Keating at the time. When we got out of the car, he changed direction a little bit, to walk across the front of our car, not directly towards Constable Keating.

Q So what direction was he walking at that point in time, or --

A More of --

Q -- to which --

A -- a westly (sic) --

Q -- (inaudible)?

A -- direction.

Q Oh.

A And, again, when I exited the vehicle, Constable Keating said to arrest him for obstruction. And he was between myself and Constable Keating when that --

Q How clearly could you hear Constable Keating say that?

A I heard him clearly. You know, I had no problem understanding what he said. I heard him clearly.

Q And about how far away were you from Constable Keating at that point in time?

A I couldn't be -- I couldn't be certain. I -- I wouldn't -- I wouldn't really want to speculate on it.

Q No, that's fine.

A I don't know the exact distance but --

Q And where was James -- the individual --

A He was between myself -- he was closer to Constable Keating than -- than I was to Constable Keating. He was -- he was not exactly between, but he was between myself and Constable Keating.

Q Did you hear James Stewart say anything at all at that point in time, upon hearing Constable Keating say, "Arrest him for obstruction"?

A No. To be honest with you, I don't.

Q Okay. So who spoke first between yourself and Constable Schafer at that -- point in time?

A Constable Schaefer -- was the one -- was giving him -- sorry -- was giving James instruction to get on the ground, he's under arrest, while I was making my way around the - around the patrol car.

Q Okay. So are those the phrases that you were hearing with your -- own ears?

A I was hearing -- Constable Schafer giving him instructions, "Get on the ground," he's under arrest.

Q Okay. Were you saying anything yourself at that point in time?

A No, I wasn't.

Q Did you ever say anything to this individual?

A Not until I -- the only thing -- the only thing I started saying things to is when we were on the ground -

Q Okay.

A -- at that point. That's -- that's when I first recall saying something to him, and giving his -- put his hands behind his back, stop -- stop resisting.

Q Okay, so who touched whom first between yourself and Constable Schaefer and James Stewart?

A I would -- have been -- I got a -- I -- I was able to get my hand on him first, over Constable Schaefer. At which point, he tensed up, pulled his hands up against his body with his hands still in his pocket, and it was, kind of, twisting to get out of a grasp.

Q Okay. Can you tell the Court why it was that you had to put your hand on him first, as opposed to some other method of completing this arrest?

A At this time, there was a bit of an urgency, in that we were called numerous times, once to assist, and then to get there quicker from Constable Keating. As I was coming around, I said I could hear this individual being given direction to get on the ground, and there would be no reason for this individual not to hear Constable Keating say he's under arrest for obstruction.

Given the situation and the urgency with which we were being called, basically I -- for me, it was -- is if he wasn't on the ground, complying with the demands given by Constable Schaefer by the time I got around, we were going to take him into custody, using as -- as little or as much force as we had to.

Q Okay. So tell us how that went?

A (No audible response.)

Q If you can, walk us through it, step-by-step with respect to who touched who?

A I grabbed - onto his arms. He tight (sic) -- he pulled in tight against his body and was twisting a bit in attempts to get out of grasp.

THE COURT: Were you in -- were you in front of him or behind him?

(MCAVOY) THE WITNESS: At this time, I was behind him. When Constable Schaefer grabbed on, he was still twisting, and -- and in an attempt to better control him, it was decided to take him down. It's not a direct hip toss. It's a twisting of the body, to try -- and over a leg or part of my body, to trip him up and get him down to the ground, in order to allow a better opportunity to gain -- gain control of his hands, which were still in his pockets when he hit the ground.

While there, it was just a matter of trying to get a free arm -- a free hand, apply some pressure, and twist to it to gain control of the arm. I was able to get the left arm up, back behind his back, putting pressure on his wrist and his elbow and a bit on his shoulder, which -- you know, telling him to just give up his arm, put his arms behind his back.

And, kind of -- Constable Schaefer was eventually able to get his right arm free and get handcuffs on it. And we were able to get them back behind his back and handcuff him back there.

Q Okay. During all of that time period, did James Stewart say anything to you, or did you hear him say anything specifically to you?

A He was complaining at some point over pain, over the -- his arm and his shoulder, I believe, over the -- the pressure that was being applied to his -- his arm, his left arm. I -- I'm assuming it was his left arm. I don't know what Constable Schaefer was doing to his right arm either, but I -- I'm guessing that it would have been to his left arm.

Q How long did things take from start to finish, as far as when you first arrived on the scene, until, as you say, you were able -- able to get handcuffs on him and get him back up on his feet. Can you estimate that for me?

A From the time that we got there to the time that he was in handcuffs, I would say, probably, no more than a minute, maybe even a little bit less.

Q Okay. During that time period, were you able to -- or did you have any time period to look over to see what was happening with Constable Keating and Jarvis Stewart or not?

A No. As -- as we were pulling into the lot, it appeared that he was -- Jarvis was under control. It appeared that Constable Keating was standing behind him. And I could see his hands were, kind of, going back behind his back. So I guess he -- I assumed he was in handcuffs and under control at that time, as he wasn't asking for our help, but instead telling us to arrest the other person.

Bryce Pashovitz's questioning of Constable McAvoy continued for a little while, with McAvoy even admitting Jarvis and I were both identified at the scene.

(PASHOVITZ) Q All of these incidents you've described happened here in Saskatoon, Saskatchewan is that correct?

(MCAVOY) A Yes. They did.

Q Thank you very much for answering all of my question. Please, answer any other questions that may be asked of you.

A (No audible response.)

THE COURT: Cross-examine?

(MR. JARVIS STEWART) Q All right, so, Brad, you had no idea why we'd been pulled over then, did you?

A No, I didn't.

Q You had no idea whatsoever why we'd been pulled over, and then you heard Constable Keating say that he was to be arrested for obstruction; is that right?

A That's correct.

Q But your partner didn't hear that. In his testimony, he -- he didn't -- didn't indicate that Keating had told him what the reasons were to arrest this man, so --

A I don't know what my partner heard.

Q And that's -- and -- and that's fine. But you -- you decided to arrest this man for obstruction, and you knew that; that's what you're saying?

A That's correct.

Q And so then you decided at this point to use force to effect this arrest?

A That's correct.

Q Did you think that an obstruction arrest was really -- or did you think the circumstances regarding this arrest, do you think there was some dire need to-- to really use force against this man and take him down?

A As -- as I --

Q If he would -- if -- if he wasn't --

A -- already described the full totality of the situation, yes, by the time --

Q So you didn't --

THE COURT: Just let him answer.

(MCAVOY) THE WITNESS: -- complying to the demands being given to him by Constable Schaefer by the time I got around the vehicle, yes, there would be some force that would be used.

Q Okay. But you never identified yourself to this man?

A I was in a full working uniform in a vehicle equipped with lights and sirens.

Q You were in an unmarked vehicle, so you showed up to the scene, and you never identified yourself to anybody, you just instigated force against this man because Jay Keating told you to?

A Well -- my identity in this capacity as a traffic officer has never been an issue in approximately 2,000 traffic stops that I conducted last year.

Q Mmhhh.

A And about another 1,000 that I've conducted at this point.

Q Really?

A (No audible response.)

Q So you thought that the best way to go about this obstruction arrest was to use force?

A As I've -- explained already, the totality of the situation, had he not complied with Constable Schaefer's demands by the time I got around the vehicle, yes --

Q Okay.

A -- there was going to be some hands-on.

Q And then -- and then you noticed that this man was bleeding after -- after you'd had him taken down to the pavement and ten -- ten police vehicles -- cars showed up?

A (No audible response.)

Q We have the GPS reports of this --

A I have -- no idea how many police cars showed up.

Q Well, you -- you should have an idea. You were at the scene.

THE COURT: Well, what's -- what's your question?

MR. JARVIS STEWART: I'm sorry.

THE COURT: Did you notice -- if he was bleeding? No, no, don't be sorry. Just listen. Is that what you want to know?

MR. JARVIS STEWART: Yeah.

THE COURT: Okay, well, answer that first.

(MCAVOY) THE WITNESS: I'm sorry, which question would you like me to answer?

Q Were you aware that ten vehicles showed up to the scene?

A I -- I said -- already explained, I don't know how many vehicles showed up on scene.

THE COURT: Were you -- were you -- I'm sorry. I was -- I'm more interested in one of the other questions you asked. Did you notice whether he was bleeding or not?

(MCAVOY) THE WITNESS: Yeah. After we got him under control, I know there was some scrapes and abrasions to his face. While we were trying to get him into custody, his head was free, and I noticed that his head was moving against the pavement.

Q Okay, so you noticed that this man was injured, but then after you affected this arrest, you made no attempt at all to get this man medical attention?

A They were -- minor road rash abrasions that I deemed -- that no -- they did not look -- like they required--

Q Is that -- is that what -- the doctor told you?

A I don't know. They looked like road rash.

Q You don't -- Are you a -- doctor?

A They did not look to be severe.

Q They did not look to be severe?

A No, sir -- they did not.

Q But you didn't -- you didn't actually take any time to actually look or observe his injuries, you actually just went -- straight to --

A They were scrapes.

Q -- you just went straight to the car though, and started searching through the car?

A They were scrapes.

Q Okay, but the first thing you did was went to the car and begin searching the car?

A After the other officers took control of him, yes.

Q Okay, so you started searching the car. So then when you searched the car, you actually found the ownership papers, didn't you?

A (No audible response.)

Q You found --

A I found the bill of sale for the vehicle that I noted-- from SGI for a vehicle that was listed as a total loss.

Q That's right.

A When we -- further looked this vehicle up on SGI, it was still listed as a total loss vehicle, and never been actually certified to be driving on the road in the Province of Saskatchewan --

Q Really --

A -- let alone -- the province -- the entire country.

Q Really?

A (No audible response.)

Q But you also found my safety fitness papers from in -- in the glove box?

A As I had mentioned that there were some vehicle equipment violations that --

Q Equipment violations --

A -- with the taillights --

Q -- but you did find the safety --

A -- and the side impact --

Q So you found --

A (No audible response.)

THE COURT: Let him -- let him -- let him answer the question. I'm quite interested in his answer here. You're not letting him answer.

(MCAVOY) THE WITNESS: To be honest with you, I didn't notice -- I can't remember if there was a safety in the glove box or not. I do know that we did look this vehicle up on the database, and it was still being listed as not -- as being unsafe and not being fit for the road, as a total loss vehicle.

Q But you did find my safety papers then?

A (No audible response.)

Q So -- You don't remember?

A I don't remember if I did or not.

Q Okay, so -- you don't remember?

A (No audible response.)

Q You don't seem to remember much about this incident, do you?

A (No audible response.)

Q You don't remember how many cars showed up; you don't remember any of the paperwork you found out; you don't really remember why you used force?

A (No audible response.)

Q You did file a use of force report; is that correct?

A Yes, I did.

Q All right. And so is there a reason that Bryce, here, hasn't given us the use of force reports from this incident?

A I've -- that's -- I can't answer that. You'd have to ask the -- the Crown Prosecutor that -- question sir.

After another brief exchange, Jarvis wrapped up his questions and handed things over to me.

MR. JARVIS STEWART: Take it away.

MR. JAMES STEWART: Thank you, Your Honour.

(MR. JAMES STEWART) Q Brad -- it's Brad?

(MCAVOY) A Yes, sir.

Q Brad, my name is James. Have you ever seen me before, outside of that time?

A No -- I've never seen you before prior to that.

Q You don't know anything about me?

A No.

Q Fantastic, fantastic. And that's the same, I don't know anything about you. I do know that you're there to serve and protect. Now, you seemed to arrive on scene fairly quickly. And you seemed to know exactly what was going on because you said there was some urgency. And I'd just like to ask you to clarify what you heard on the dispatch that would give you some idea as to urgency of the matter or the specifics as to what was going on at that time?

A I didn't hear a dispatch. I heard Constable Keating requesting another officer at the Grosvenor parking mall -- or sorry -- at the Shopper's on 8th. The second time was a request from Constable Keating, shortly after the first one, telling officers to step on it.

Q Okay, fantastic.

A And the third -- was an individual male walking away from him, towards the front doors --

Q Walking away?

A -- of Shopper's.

Q So you heard from Constable Keating, but you weren't aware that it was actually him, you just recognized his voice?

A Yes, I recognized it as Constable Keating's voice on the radio.

Q Okay, but he didn't identify himself on the radio?

A I recognized it as being -- his voice on the radio.

Q Right. But he did not -- did he -- or did he not identify himself -- on dispatch?

A I don't need -- to have him to identify it.

THE COURT: Just answer the question.

Q Could you, please -- answer the question?

A As to --

THE COURT: You know, that's -- a simple question.

A It was -- Constable Keating's -- voice.

Q Did he -- did he or did he not identify himself on that radio to you or anyone?

A No, he didn't --

Q Thank you.

A -- but I recognized -- his voice -- as Constable Keating.

Q Thank you. Thank you.

THE COURT: We understand you recognized --

Q Thank you.

A (No audible response.)

THE COURT: -- his voice. You said it four times.

Q Thank you.

(MCAVOY) THE WITNESS: I'm sorry.

MR. JAMES STEWART: Fantastic.

(MCAVOY) THE WITNESS: I'm sorry.

THE COURT: But just answer his question.

THE WITNESS: Okay.

Q Now, when you arrived on scene, your car was in full emergency mode --

A Yeah.

Q -- with the lights flashing, sirens wailing?

A That's correct.

Q Are those sirens loud, Brad?

A They are, yes.

Q Fantastic. I'm not going to ask you for a decibel, but would you say that they would be difficult to hear someone engaging in conversation beside a car that was in full emergency mode?

A When our police -- when our vehicles are placed into the parked mode, the siren cuts out. And I wouldn't have been getting out of the vehicle until it had stopped moving. So there would be no siren from the time that I got out of the vehicle, in order to hear Constable Keating's instructions to arrest that male for obstruction.

Q So you heard Constable Keating's instructions?

A Yes, I did.

Q Within one minute of arriving on that scene, you were engaging in physical contact; is that correct?

A Again, as I already explained, yes.

Q In one minute?

A (No audible response.)

Q Do you find that there is a shortage of threshold there, as far as explain your actions to someone and having them understand you, and if --

A Given the --

Q -- and if so, do you think that time would be longer than a minute?

A As I already explained, given the totality of the situation and the urgency that we were being requested, you had from the time that I got around the car with Constable Schaefer giving you instruction to, "Get down on the ground, you're under arrest," to comply with that.

Q Okay, so I'm going to read from your notes here. You were informed at this point that: "There was a traffic stop, and the males were exiting the vehicle and were refusing his demands to get back in the car, and appeared to be trying to get away from him. These attempts are what constitutes the obstruction." Those are -- those are in your words?

A (No audible response.)

Q It's page 12 --

A Yeah.

Q -- of 42?

A I'm looking at it.

Q Do you believe that you could have explained all of that within one minute of coming out of your car?

A (No audible response.)

Q And -- and apparently -- apparently -- I don't understand what obstruction is, but apparently all of you guys do, which is fine because that's your job. Do you think that it would behoove you to explain your actions to someone, when they don't know what's going on?

A Which question would you like me to answer?

Q Why don't you explain yourself?

A (No audible response.)

Q How can you say in one -- in one minute -- in one minute you arrived, and -- and in one minute, he was already being physically attacked -- me?

A (No audible response.)

Q And you're saying here that you were informed at this point that there was a traffic stop and the males were exiting the vehicle and refusing his demands to get back in the car, and appeared to be trying to get away from him?

A (No audible response.)

Q This all happened within one minute?

A (No audible response.)

Q You were able to see and understand the urgency and the total -- the -- the totality of that within one minute?

A When we were called -- when Constable Keating asked for additional officers to come to the scene, we started heading there. While we were going there, Constable Keating said, "Step on it." That's an urgent statement from Constable Keating.

Q Okay. So --

A When we arrived at the scene --

THE COURT: Yeah, let him answer.

THE WITNESS: -- as I got out of the vehicle, Constable Keating said to arrest this male for obstruction. Given that he's calling for us to get there fast, that tells me that this isn't a run-of-the-mill friendly, everyday traffic stop. As you were standing between -- as you were between myself and Constable Keating, I had no concern that you didn't hear Constable Keating's instructions to arrest him for obstruction.

Q You had no concern -- I'm sorry?

A No. I had no concern -- that you didn't hear him --

Q Okay.

A -- as I heard him, as you -- and you were closer to him, and I could hear him fine, and you should be able to hear him no problem.

Q I should be.

A You continued to walk away. Constable Schaefer was giving you instructions to, "Get on the ground, you're under arrest." You didn't comply with those demands either. You continued to walk away. At that point in time, by the time I got around the -- the car, given the totality of the situation in that there was an urgency being requested by Constable Keating, and that you weren't -- weren't following directions given to you, and, yes, I was going to grab onto you to try and take you into custody.

Q Okay.

A As you continued -- you then proceeded to tense up, pull your arms into your body, in what I can only interpret as an attempt to keep your arms --

Q I'm going -- to interrupt you.

A -- from our control --

THE COURT: Okay, let him -- let him answer.

(MR. JAMES STEWART) Q But he's going into detail and I -- and he's answered my question.

THE COURT: Oh, okay.

Q My next question is: Do you believe I have the right to resist when someone tries to grab me?

A That was -- sorry?

Q Do you believe I have the right to resist when someone tries to grab me?

A (No audible response.)

MR. PASHOVITZ: I apologize -- Your Honour. That may be one of the many issues we'll be asking the Court to rule on, as opposed to this officer answering that question. That maybe boils down to a legal issue, as opposed to --

THE WITNESS: You --

THE COURT: Yes, I -- I --

MR. PASHOVITZ: -- evidence from this officer.

THE COURT: -- if -- it all depends what evidence I accept here. If I accept that he was told that he was under arrest and then resisted, well, no, he doesn't have the right. That's a legal issue.

MR. JAMES STEWART: That's correct.

THE COURT: And if -- but if he -- if I accept that he was never told he was under arrest, then it may -- then that's a legal issue, too. But I guess we're --

MR. JAMES STEWART: Absolutely.

THE COURT: -- so I don't know the answer. He -- if I don't know the answer, he doesn't know the answer. It's a legal conclusion, it's not a -- it's not a fact. I mean, I don't care what his opinion is. He could be dead wrong or dead right. I don't care.

MR. JAMES STEWART: Absolutely, absolutely. I -- I'm -- I appreciate that.

THE COURT: Yes. And it all depends on what the evidence is. And it may or may not be what he thinks it is.

THE WITNESS: Yeah, that's fine.

THE COURT: Okay. So I -- so it -- it doesn't really help.

MR. JAMES STEWART: Okay, fair.

THE COURT: Okay.

Q Did you identify yourself as a police officer?

A No. I was in full working uniform and operating a -- sorry -- a vehicle equipped with sirens and lights.

Q An unmarked car?

A Yes.

Q Did you at any time say who you were and what you were attempting to do?

A No, I did not.

My questioning continued for a little while longer until the last period of exchanges...

(JAMES STEWART) Q I've just got a couple more questions. You said you noticed some scrapes and some blood on my face?

(BRAD MCAVOY) A Mhmm.

Q Did you notice that before you took me down?

A (No audible response.)

Q Was my face -- would you say --

A I didn't see you -- your face before I took you down.

Q I'm sorry, you didn't see my face before you -- --

A Not that I -- remember.

Q -- took me down?

A Not that I remember, what the shape of it was in, before I took you down, no.

Q Okay, that's fair. Now, you also said that -- well, you said that I had my fists clenched, and I was putting my hands in my pockets?

A Your hands were in your pockets.

Q Or hands were in my pockets, so would that appear to you as a physical confrontation, or would that appear to you as someone who was -- well, how would that -- how -- how does that appear to you, when someone puts their hands in their pockets?

A You were walking towards Constable Keating when we arrived. You changed your vector to walk across in front of our car. I could see you had your hands in your pockets. I don't know what happened prior to us arriving at the scene.

Q But you arrived, took me down, threw me in the squad car, case closed, "I'm going to go search the car"?

A (No audible response.)

THE COURT: He's already -- he's already explained why he -- why he took you down.

THE WITNESS: That's an over --

MR. JAMES STEWART: Yeah.

THE COURT: Yes.

Q Now, I'm just curious as to -- Keating's testimony said that I was punching and kicking with my arms and legs. Constable Schaefer says I had my arms -- or Constable Schaefer said I went down in a -- in a lowered body stance. You said I had my hands in my pockets. I'm just curious that you didn't see my face, that you are still able to take me down, why you thought I was a threatened -- a threatening individual?

A (No audible response.)

Q What was it that -- that -- what was it that made you truly believe --

A Okay, I -- As I explained already, the totality of the situation. Another officer was calling --

Q But you didn't know the -- totality? You didn't know anything about the situation?

A The totality of what I knew when I got there.

Q What did you know?

A An officer was calling for help, he's telling officers to get there fast. I get there, somebody is walking towards him. It looks like he's got somebody handcuffed, under arrest. While we were coming, he's indicating that there is a male walking away from him. When I get out of the car, he says, "Arrest him for obstruction." This individual is given orders from another officer to get on the ground, they're under arrest, does not comply with those orders. Given the fact that we're being called there and told to get there fast, tells me that this -- there is something wrong.

Q Okay.

A Okay? Well, there isn't -- we don't just call for officers to get there fast for no reason.

Q That would make sense to me. That would be a bit of a situation?

A Yes.

Q Had you ever thought about finding out the situation before acting, or did you just feel that it was just so -- the totalitary (sic) of the -- the totality of the situation --

A (No audible response.)

THE COURT: I -- I -- I think --

Q -- meant that --

A (No audible response.)

THE COURT: -- I've concluded from his evidence that he trusted the other officer.

MR. JAMES STEWART: That's fine. I'm -- So now -- that's fine, so, now, Bradley, through this, we've got a situation here where you charged me with assault, and yet I haven't seen anything in here -- anything in any of these notes -- and I would have liked to talk to Vincent Schaefer, too, but he's no longer here -- because he charged me with assault. And I would just like to ask you, Brad, where and when and how I assaulted you?

Although the transcript does not indicate it, a noticeable, audible 'Urgh' passed from McAvoy's lips.

A The -- the assault -- resisting our arrest is -- is more -- would be more what I would -- say it would be.

THE COURT: Yes, there -- there was -- no assault, was there?

THE WITNESS: I didn't get -- there was no assault on myself.

THE COURT: Right.

And at that moment, the entire energy of the courtroom changed...

THE WITNESS: I don't -- again, I don't -- know what happened --

THE COURT: That's -- I haven't heard anything from you -- or from Constable Schaefer about that.

THE WITNESS: Yeah. I don't know what happened -- about -- something else so --

Q But you guys weren't assaulted?

A I don't know what Constable --

Q Even though -- I was charged with two counts of assault -- you guys weren't assaulted; is that correct?

A Okay. It was more, from my classification, it was resistance.

Q Resistance -- resisting of arrest?

A Yeah.

Q Resisting?

A (No audible response.)

COURT CLERK: (Inaudible)?

THE COURT: I'm sorry?

COURT CLERK: How late do you plan on sitting today?

THE COURT: I -- not past five, that's for -- not past quarter to five.

COURT CLERK: Okay. Thank you.

THE COURT: I was just being asked how long we're going to sit tonight. And I said -- not past quarter to five because I have some family obligations tonight.

MR. JAMES STEWART: Okay. (*Looking at Jarvis like, 'Is he fucking serious?!'*)

MR. JARVIS STEWART: That works for us. (*Looking at me like, 'No idea, bro'*)

MR. JAMES STEWART: Yes, that's -- okay. We'd rather not sit too long here, Your Honour.

THE COURT: It's long enough, hey?

MR. JAMES STEWART: Just the last couple of questions. You were aware that there was no ICCS in the car?

A I'm sorry?

Q In-car camera system?

A (No inaudible response.)

Q You were aware that --

A Oh.

Q -- there was nothing in -- in -- installed?

A Oh, yeah. No, our car -- wasn't equipped with a camera.

Q So you were deaf, dumb, and blind, for all intents and purposes?

A I'm sorry? I don't understand --

Q Well, no one -- could see -- no one could see what you saw?

A -- what you're referring to? The fact that my car -- car didn't -- have a camera in it.

Q Right.

A It did not have a camera.

Q And it didn't have a microphone either?

A There was no in-car -- camera system -- into the car.

Q So we can't -- hear or see anything that happened?

A There was no camera in the car -- Correct.

Q Now, do you -- feel that your actions may be -- may have been different, had you had an in-car camera system installed?

A I would have never done anything different than what I already did in that situation, regardless about cameras.

Q In that situation -- you would not have changed -- a thing?

A I hold myself -- to the same standard, no matter what I do, I deal with people in the exact same way, regardless of a camera or not.

Q Thank you, Bradley.

A (No audible response.)

MR. JAMES STEWART: No further questions, Your Honour.

THE COURT: Any re-exam?

MR. PASHOVITZ: No re-examination, Your Honour.

THE COURT: All right.

MR. PASHOVITZ: Thank you.

THE COURT: Thanks. You're free to go.

Chapter 33 – Five Minutes for Fighting

Constables Boyce and Hounsell were the last officers to take the stand. Their appearance at our trial was a testament to the lengths the Crown was willing to go to secure a conviction against us. In a lot of respects, I felt bad for these two uniformed men.

To me, it looked like they had been thrust into this predicament through no fault of their own. Yet, once there, they did what was expected of them. It was time to stay in line, unity-uniform. Get your toes on the line, the thin blue line.

I am certainly not excusing this pair's actions and behaviours in the parking lot that fateful August evening. It's how the System does this to us. To ALL of us. The Hegelian dialect 'theory' in full effect and operational display. Two sides. The good guys and the bad guys.

Do you take sides? Which side do you take?

Nevertheless, here in this courtroom, with some questioning experience now behind me, watching them squirm on the witness stand and attempt to explain their actions during the *incident* was somewhat delightful.

It isn't every day you get to call out police on their duties and responsibilities. And further, their role in allegedly, potentially covering up for their fellow officers. Especially when asked about the lack of notes, forms and proper procedural steps undertaken, which their duty as peace officers requires.

Although Boyce and Hounsell arrived later to the scene of the *incident*, and primarily dealt with my brother, Jarvis, I found it worthwhile to note this brief courtroom interaction between Officer Hounsell and myself during cross-examination, while he was on the witness stand.

MR. JAMES STEWART: I have some questions.

THE COURT: Mmhmm.

MR. JAMES STEWART: CROSS-EXAMINATION ON VOIR DIRE:

(JAMES STEWART) Q So you put your knee on my head?

(RYAN HOUNSELL) A That's correct.

Q At that time, how many people were on me or around me?

A I believe it was just Constable Boyce. But I was focusing on your head, and making sure you weren't spitting on people. I -- I simply was focused on myself, sir.

Q You're saying you were focusing on the fact that I was not spitting on people?

A (No audible response.)

Q Did you see me at any time spit?

A I saw you spit, that's correct.

Q Where and when did I spit?

A You would have spat when you were on the ground because that was the entire time that I was dealing with you, is when you were on the ground.

Q What did I spit?

A You spit blood and saliva.

Q Blood and saliva?

A (No audible response.)

Q How much blood do you think was there?

A (No audible response.)

Q A little bit, like, a -- maybe a teaspoonful, or do you --

A I said --

Q -- think it maybe have been, like, a cup of blood?

A -- I'm --

Q Give me some idea as to how much blood was coming from my face?

A More than a teaspoon, I suppose.

Q More than a teaspoon, less than a cup?

A Yeah.

Q Did you see that blood on my face before or after I -- I was -- I was accosted by these cops?

A (No audible response.)

Q Did you see any markings on my face before?

A I never saw you before you deal -- dealt with the police, sir.

Q Please, explain what you saw of me when you first saw me?

A You were proned-out in a parking lot with, I believe, two officers who were telling you to stop resisting or whatever the words that they were using were. And you were -- you were proned down. And you had some blood around your face. And you were shouting, swearing.

Q I -- did I have handcuffs on?

A I believe you did, but I couldn't say for sure.

Q You couldn't -- you couldn't tell for sure, but I was on the ground?

A That's correct.

Q Flat on the ground, the pavement?

A That's correct.

Q Is that a position that you would say is frequented by people who fight with police?

A (No audible response.)

Q Like, you said, "You were fighting," that's -- like, it's fighting, so, like, I've been in fights before, I've been beat up before. I've never been beat up by five cops, but I'm just trying to get your sense of the word "fighting"?

A (No audible response.)

Q You said that I was still fighting when I was down on the ground, face-first, with handcuffs on, with police around me, I was still fighting; is that correct?

A Well, from my observations, it appeared that way, yes.

Q Okay. Now, did Constable Keating, did Constable McAvoy, or did Constable Vince Schaefer, did they make any comments to you about a combat or a fighting or a striking or aggression by me?

A I didn't have time to question them on that. I just --

Q There was -- not a lot of time?

A No.

Q You -- you would agree with me that there was not a lot of time?

A Not a lot of time to -- to hear that, no.

Q Things happened -- very quickly?

A That's correct. Absolutely.

After some more brief questions and answers, I wrapped up my questioning of the officer, but not before Judge Singer had his own questions for the Constable...

Q Thank you, Mr. Hounsell. I have no further questions.

A Thank you.

THE COURT: You've described Mr. Stewart on the ground as shouting and screaming and swearing and that sort of thing. And you've described blood coming from his face. You've also said "fighting". And I'm just curious as to what you meant by fighting?

THE WITNESS: (No audible response.)

THE COURT: Is it just all of this noise he was making or --

THE WITNESS: Well, my perception was based on the fact that I was called to --

THE COURT: Like, you've described the word "fighting". I just want to know exactly what you meant. I'm not criticizing you --

THE WITNESS: Sure.

THE COURT: -- or anything.

THE WITNESS: No, no.

THE COURT: I'm just asking you --

THE WITNESS: That's all right.

THE COURT: -- what -- what -- why you thought he was fighting?

THE WITNESS: I suppose struggling could also be used. I -- I observed the two officers to be continually shouting something to the effect of, "Stop resisting," or, "Stop fighting." And to me that insinuates that a person is, in fact, resisting and -- and is fighting.

THE COURT: That's nothing you actually saw, it's just from --

THE WITNESS: Besides the fact that a person that Mr. -- that James was shouting and, kind of, trying to lift his head up and move it around, that's about all I -- I saw.

THE COURT: All right. And were you involved in searching him?

THE WITNESS: Yes, sir.

THE COURT: Was anyone else?

THE WITNESS: Myself and constable -- well, myself and Constable Boyce. And I can't say whether or not I actually searched him or if I just, perhaps, may have went down his arms or may -- maybe just

focused on the head, but as per our standard searching techniques, one person will control the head. If you control the head, the body is controlled, generally speaking.

THE COURT: So -- so -- okay, so if I understand this then, there were two officers there who have him on the ground, then you and Boyce took over, and they -- and they left --

THE WITNESS: That --

THE COURT: -- or they weren't involved in it?

THE WITNESS: -- that's correct. The other -- the other officers -- I don't believe that they had any involvement after that.

THE COURT: Did any of the police officers strike him or hit him in any way?

THE WITNESS: I didn't see anyone strike him or hit him in any way.

THE COURT: Anything arising out of the questions I asked?

MR. PASHOVITZ: No re-examination nor --

THE COURT: Okay.

MR. PASHOVITZ: -- out of that, Your Honour.

THE COURT: Thank you.

MR. PASHOVITZ: Thank you.

THE COURT: Thank you. You're free to go.

MR. PASHOVITZ: I'm hesitant to close the Crown's case on the voir dire before I refer to my notes, Your Honour. And we're --

THE COURT: Yes, you --

MR. PASHOVITZ: -- at 3:20, Your --

THE COURT: -- go ahead.

MR. PASHOVITZ: -- Honour, so --

THE COURT: And these gentleman have indicated that they have a bunch of video. And I'm assuming that the Crown isn't calling anyone to introduce the video. I assume it came from the police and that you have no problem with them just showing the video?

MR. PASHOVITZ: I don't anticipate any problem with that, Your Honour -- no.

THE COURT: All right. Okay.

MR. PASHOVITZ: I guess I'll cross that bridge when I come to it, but --

THE COURT: Yes. If they --

MR. PASHOVITZ: -- you're exactly -- right.

THE COURT: -- decide they want --

MR. PASHOVITZ: If there's --

THE COURT: -- to show me --

MR. PASHOVITZ: -- a video --

THE COURT: -- something, then it's -- I'm sure it's not, you know, pictures of their holidays or something. (*heh heh*)

MR. PASHOVITZ: No.

THE COURT: Yes.

MR. PASHOVITZ: I wouldn't be asking -- to have anybody come back.

THE COURT: Okay. All right. Okay, so let's -- you think about that, as well. And we'll just take a short break.

MR. PASHOVITZ: Thank you --

MR. JAMES STEWART: Thank you --

MR. PASHOVITZ: -- Your Honour.

MR. JAMES STEWART: -- very much Your Honour.

MR. JARVIS STEWART: Thank you.

THE COURT: Okay.

COURT CLERK: All rise. Court will be adjourned for a few minutes.

(COURT ADJOURNED)

(COURT RECONVENED)

COURT CLERK: This court is, now, reopened. You may be seated.

MR. PASHOVITZ: Yes, thank you for the adjournment, Your Honour. Just to clarify, at one of the earlier case managements, there was a request by defence to have Special Constable Amy Radke (ph) here. I didn't have any questions of her, but she is the individual who looks after disclosure of audio/visual evidence, for example, those in-car camera systems so. So, she is here in the hallway. So, I'm not sure if these individuals will be wanting to call her sometime today or not. She is available. So, I just wanted to say that on -- on the record. I'm not calling her as a Crown witness, so with that, being that this is a voir dire, I'm closing the Crown's case on this voir dire. And unless there's any ----

THE COURT: Where -- and what about any --

MR. PASHOVITZ: -- questions --

THE COURT: -- other evidence? We -- I-- I was hoping that we would do the voir dire and the trial at the same time.

MR. PASHOVITZ: Well, we can do that, Your Honour.

THE COURT: Is there any evidence on the trial that you were --

MR. PASHOVITZ: No, there would --

THE COURT: -- other evidence?

MR. PASHOVITZ: -- be nothing more from the Crown for the trial either.

THE COURT: Or either?

MR. PASHOVITZ: (No audible response.)

THE COURT: Okay.

MR. PASHOVITZ: That's correct, Your Honour. Thank you for clarifying that.

THE COURT: All right. And then before we proceed further then, could you point out to me the evidence of the assault?

MR. PASHOVITZ: Your Honour, the -- and I'll look at that section closer. It's a -- it's a -- the assault peace officer section, I think it's -- well, I don't think. I've always thought of it as being similar to the -- the threat by -- sort of, the assault by threat section of the Criminal Code, under Section 265. So there are some nuances there with respect to assaulting peace officers, where even if you're resisting a peace officer, that could still amount to assaulting a peace officer.

THE COURT: It's a separate charge. It says assault by resisting.

MR. PASHOVITZ: Mmhmm.

THE COURT: Or assault -- assault with intent to resist. So, it's a specific intent type of assault.

MR. PASHOVITZ: Right.

THE COURT: But it also involves an assault.

MR. PASHOVITZ: Right.

THE COURT: And I don't -- can you point -- like, you know, if I was their lawyer, or if they had a lawyer, the lawyer might be making a non-suit now with regard to that.

MR. PASHOVITZ; Mmhmm. And I -- I would think there's some evidence there, Your Honour.

THE COURT: Well, what --

MR. PASHOVITZ: Lastly --

THE COURT: -- well, what is it?

MR. PASHOVITZ: Well, as you've asked the officer, there was the evidence of Constable Hounsell with respect to the fighting, things of that nature.

THE COURT: Well, but he couldn't describe any fighting.

MR. PASHOVITZ: Right, right. And then back to Constable Schaefer and Constable --

THE COURT: Yes. Who -- neither one of the two named individuals who are supposed to have been assaulted --

MR. PASHOVITZ: Right.

THE COURT: -- said there was any assault. I have made specific note of that in their -

MR. PASHOVITZ: Right. It was more so the resisting, the lowering the body, things of that nature, so that.

THE COURT: Perhaps. But there was certainly no evidence of an assault.

MR. PASHOVITZ: Right.

MR. JARVIS STEWART: Right.

MR. PASHOVITZ: So that's what I was pointing out, as far as the last officer testified to, this is what I think would get us through a non-suit at least.

THE COURT: Well, the last officer sees him on the ground.

MR. PASHOVITZ: Right. And --

THE COURT: And he's --

MR. PASHOVITZ: -- but sees -- his phrase was "fighting", sees him fighting with the other officers.

THE COURT: But -- but he couldn't describe -- the fighting involved shouting, swearing, and screaming.

MR. PASHOVITZ: Right.

THE COURT: And it was -- he said mostly obscenities. So I -- I don't -- you know, I don't really see evidence of -- of the assault. Do you want a chance to look at that and --

MR. PASHOVITZ: I -- I can -- Your Honour.

THE COURT: -- because -- Yes. Because it's quite important because it -- you know, it goes to the whole section.

MR. JARVIS STEWART: Mmhhh.

MR. PASHOVITZ: That's true. I can look at it. There are some nuances there with that section that I wouldn't mind a chance to look at --

THE COURT: All right.

MR. PASHOVITZ: -- having heard the evidence.

THE COURT: Okay, (*turning his attention to us*) let me just explain something then. Part of the job of the Judge when -- when you don't have counsel is to point out certain things that if you had a lawyer, you would probably raise, or if you -- if you know about it, you'd probably raise. One of those things -- one of the very common things that we do is, if -- if -- if there is no evidence that you have to meet in your case, the lawyer would say, "I want a non-suit on that particular thing." And a non-suit means there is no evidence I have to meet, so I shouldn't have to testify or do anything like that.

MR. JARVIS STEWART: Yeah.

THE COURT: And I've raised that with the prosecutor, that -- that in my -- and I -- I would like an opportunity, too, to look through my notes, but in my recollection of what I heard today, there was no evidence from either Constable Schaefer or Constable McAvoy that there was any assault on -- on either of them. And what you're -- James is actually charged with is assaulting them --

MR. JAMES STEWART: Yeah.

MR. JARVIS STEWART: Mmhmm.

THE COURT: -- with a specific intent.

MR. JAMES STEWART: Yeah.

MR. JARVIS STEWART: Mmhmm.

THE COURT: But the -- it may be the wrong charge from what -- what happened here, but that's what the charge that was -- is before me, and that's the one I'm concerned about. The prosecutor, quite rightly, wants an opportunity to review his material, too, to see whether he agrees with me or not because if he does, that -- that may be the end of that charge. I don't know. Okay?

MR. JAMES STEWART: Okay.

THE COURT: So what I'm suggesting-- it's 3:30, and it's going to take me a while to read through my notes anyway, and -- and it may take you a while, too, to review your position on that. We have three days set for this, so I would -- what I'm going to suggest is that we come back tomorrow morning, and that will give everyone a chance to review that, to see whether that's one of the charges you're going to have to meet. Okay?

MR. JARVIS STEWART: I -- I'm sorry, I don't really understand, one of the charges I'm going to have to meet?

THE COURT: You don't have to meet anything. It's just whether James does.

MR. JARVIS STEWART: Okay.

THE COURT: But we're having both trials together, so --

MR. JARVIS STEWART: Okay, because we --

THE COURT: And you -- certainly asked questions about that.

MR. JARVIS STEWART: Yeah. I mean, we -- we had been raising this issue from the very beginning.

THE COURT: Well, I --

MR. JARVIS STEWART: We've had multiple requests for disclosure.

THE COURT: Yes. Well --

MR. JARVIS STEWART: And all these --

THE COURT: -- and -- and I see that. And what -- and what I'm -- what I'm -- what concerns me a little bit here is that -- and I was reviewing the Informations -- I think this has been case managed a few times?

MR. PASHOVITZ: It has been --

MR. JAMES STEWART: Six.

MR. PASHOVITZ: -- Your Honour.

MR. JARVIS STEWART: Six.

THE COURT: And so I'm assuming that some prosecutor has reviewed it at least a few times, to see -- you know, which is what we ask them to do on case management. So I -- I don't know if -- if --

MR. JARVIS STEWART: Yeah.

THE COURT: And anyways -- that's why --

MR. JARVIS STEWART: The exact total issue.

THE COURT: -- I want to, sort of, set it over because you may be caught by surprise.

MR. PASHOVITZ: No, I appreciate that, Your Honour.

THE COURT: So -- okay, so I'm just going to -- I'm going to -- rather than continue on with your case today -- because I'm not sure if you're going to -- your case today, rather than know that we have to meet that. We have lots of time, so I'm just going to adjourn everything until tomorrow morning. He's closed his case. And if you're going to be calling evidence, we should know what we're calling the evidence on; right?

MR. JARVIS STEWART: Exactly.

MR. JAMES STEWART: Yeah.

THE COURT: Okay.

There was a palpable anxiousness, or more like aggravation, in Judge Singer's voice.

MR. JARVIS STEWART: That's what we're trying to get a - a straight answer on before.

MR. JAMES STEWART: Okay.

THE COURT: Now, I -- may be wrong. I mean, when I review it, I may be wrong, and he may be able to point out something to me that --

MR. JAMES STEWART: Well, you won't be wrong.

THE COURT: Well, we'll see. Thank you.

MR. JARVIS STEWART: So we can wait for -- we can wait then for our -- our video for tomorrow then?

THE COURT: Yes.

MR. JARVIS STEWART: We don't have to --

THE COURT: Let's -- let's do that.

MR. JARVIS STEWART: Okay.

THE COURT: But do you require -- the -- and while -- while you're standing, do you require this special constable to give evidence on anything, the one who's -- he's asked to come here, but she -- he's not calling her?

MR. JARVIS STEWART: No. We were -- we -- we more or less subpoenaed her because we -- we had some problems with the installation records for these police vehicles. They -- there's been over -- there's at least -- probably 11 vehicles that responded in emergency fashion to this scene. And the Crown here is still insisting that this is the only video that exists, and there is -- and there is no audio. And so we asked to see the installation records for the cars. I mean, these are \$15,000 --

THE COURT: And did you receive those?

MR. JAMES STEWART: No. These are all we got.

MR. JARVIS STEWART: I mean, I don't -- think we would -- this would qualify as adequate for a vehicle --

THE COURT: It says the dates it was installed?

MR. JARVIS STEWART: And that's just it. We want the actual -- because that's all they did, was told us the dates. And, I mean, some of them one of them is the day -- the day it happened. You know, like, the -- the dates are ridiculous. They all -- I mean, the incident happened on the 24th of August, but then all of the cars were finished by the 22nd of October. None of them had any --

THE COURT: Well, that's not -- that's not ridiculous. I don't think -- if I read from the paper, I read that they -- these things weren't installed until a long time after that.

Singer was now visibly irked.

MR. JARVIS STEWART: And that's why we wanted to see the installation records.

THE COURT: Or weren't part -- part of their policy -- to use them.

MR. JAMES STEWART: Yeah.

MR. JARVIS STEWART: Yeah, and that's fine. And that's --

MR. JAMES STEWART: And -- and we --

MR. JARVIS STEWART: -- why we -- wanted to just see the installation records from the vehicles.

THE COURT: Yes. Well, is that enough for you?

MR. JAMES STEWART: Negative.

MR. JARVIS STEWART: Well, not -- not really, no.

THE COURT: Okay, so you -- want this person here tomorrow?

MR. JARVIS STEWART: I'm not really -- satisfied -- Oh, if she's going to be --

MR. JAMES STEWART: Absolutely.

MR. JARVIS STEWART: -- I mean, if Bryce can get -- just get the -- I don't require her to be here. I don't want to mess up her schedule, but she was just the name that was on one of our disclosure requests, so I thought she would have been the person to bring these.

THE COURT: Well, would it be enough for him to check into whether unit number 131, which you indicate was attended, which is the one that got their -- their camera that day, whether it was on or not, whether there's a video tape from that day?

MR. PASHOVITZ: That's already been done, Your Honour.

THE COURT: Mmhmm.

MR. PASHOVITZ: So -- and just thinking on my feet, with respect to the special constable, it's-- her evidence, I think, is not related to what happened, just not basically on the night in question. Maybe she could provide her evidence this afternoon, if they want to ask her some questions about these installation records.

THE COURT: No. I'm not asking them to open their case until we know what we're dealing with here.

MR. PASHOVITZ: True enough. She's available to come back tomorrow morning.

THE COURT: You see, because neither of these charges -- I -- I mean, if -- if count number 2 is taken off the plate here, off the table, then they are each charged with obstructing Constable Keating. Well, none of the other vehicles were there during the time that Constable Keating was alleged -- has alleged he was obstructed.

MR. PASHOVITZ: That's correct, Your Honour.

THE COURT: And so it wouldn't help to have video from the other cameras anyways, if this -- if there's no charge of assault.

MR. JARVIS STEWART: With -- with all due respect, Your Honour, I disagree because I thought there might have been some audio from the cars. The cars are supposed to record audio. And there was ten cars. And they were all right around the scene. And so I thought if --

THE COURT: But -- but this is --

MR. JARVIS STEWART: -- there was any --

THE COURT: -- but the only obstruction that's being alleged is something that happened between you and -- both of you and Constable Keating before any of these other cars arrived.

MR. JARVIS STEWART: Okay, that's fair. (*Jarvis is being polite, again.*)

MR. JAMES STEWART: I see what he's saying. (*Translation- He's being an argumentative dick-head, because he knows the audio would destroy their entire story along with the original charge of obstruction against Jarvis, for allegedly not providing his name...*)

MR. JARVIS STEWART: I see what you're saying.

THE COURT: Yes.

MR. JARVIS STEWART: I understand.

THE COURT: Yes.

MR. JARVIS STEWART: Yeah. Understood. (*We won't argue with you anymore, Judge*)

THE COURT: So it may not be necessary -- well, we -- we won't know until tomorrow --

MR. JARVIS STEWART: Okay, understood. Thank you.

THE COURT: -- where we're going with that anyways, so -- could you -- if you could just ask her to come back?

MR. PASHOVITZ: (No audible response.)

THE COURT: That's the simplest thing, I guess.

MR. PASHOVITZ: Yes, Your Honour.

THE COURT: Okay. Thanks a lot.

COURT CLERK: Order in court. All rise.

THE COURT: I'm going to leave all of this stuff here, if we're tomorrow.

COURT CLERK: We are here tomorrow.

THE COURT: Okay. Thanks.

COURT CLERK: I declare this Court closed in the name of Her Majesty the Queen.

MR. JARVIS STEWART: Thank you.

(COURT ADJOURNED APRIL 16TH, 2013)

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Leaving the courthouse that afternoon, we were relieved yet also elated, and for good reason. We had survived our first day in criminal court. The whole experience in and of itself, the unknowns, the trepidation and anxiety from our inexperience with the legal process and leading up to physically attending criminal court to represent ourselves, was now firmly behind us. What a relief!

Day one was over. My demeanour went from being unsure about ourselves and what we were attempting to do, to a real sense of satisfaction, accomplishment and excitement. We had walked into the belly of the beast, sullen and on edge, with only our wits to defend us.

Now here we were, walking and laughing and practically high-fiving each other down the sidewalks of Saskatoon, towards my truck.

Feeling vindicated. Feeling victorious.

I was beside myself with delight. A weight had been lifted. I felt proud. I felt like the tables had turned.

How could the assault charges still stand?

After tossing my court-room bag behind the seat of my Ranger, I had barely settled behind the wheel when Jarvis, who seemed even happier than me, exclaimed, “You schooled those fucks, bro! Oh! That was gold! Fucking gold! Haha. You Columbo’d that guy! You were like, straight Columbo, bro. “Oh, uh, just one more thing... Did you hear him!? He was like, ‘Urghh, uh.. There was no assault.. uh...against myself...uh...”

Jarvis was beside himself. “Haha! Priceless, bro!”

I could only laugh, too. His laugh was contagious, I’d known it my whole life. Funny I hadn’t heard that laugh for awhile. He was still my kid brother, and this moment in time, appeared only ten years old.

I settled into the Ranger and turned the key.

Jarvis continued, his face beaming, “You know what, bro? You *hurp-durp*’ed him! On the stand! On the stand, bro! Did you see his face? Did you see Singer’s face?! And the court clerk? She’s like, “How long are we staying..?” Hahaha! How long are we staying?! Are you fucking kidding me!? It’s fucking over!”

At that instance, I realized how this whole adventure had been weighing on both of us. I knew it was hard on Jarvis. I knew that he didn’t like the fact I was staring down two assault charges against the police and a bullshit obstruction wrist-slap.

I knew he felt cheated through the entire seven months of pre-trial hi-jinx. Not to mention the lack of evidence and the heaps of disrespect he had endured at the hands of these people.

And there, in my Ranger, he sat with a giant smile on his face and pure joy back in his voice. He was beaming.

It was a special moment for me.

Chapter 34 – Prove It

R. v Stewart, Criminal Trial
Saskatoon Provincial Courthouse
April 17, 2013 (Approx. 9:30am)
Day 2

(Excerpts directly from my criminal court transcripts)

Additional comments in italics included as my opinion/insight

Back at the courthouse the next day, after the procedure of opening the court concluded, Judge Singer took his usual place behind the bench, and we took our usual seats.

Bryce began to give his submissions.

BRYCE PASHOVITZ: Now, turning to the circumstances of this case, Your Honour. And I've reviewed my notes; you've reviewed your notes. And I'll try my best just to provide the recollection that I have of the testimony, Your Honour. Starting first with the-- with the last witness, you clarified this with the last witness, and this is Constable Hounsell:

“He was fighting with police when I first got there, so I controlled his head, so he would not spit.”

Then you questioned him about, “What does fighting mean to you?” He said, “Well, what was happening was shouting and swearing.” So that's that evidence. It's -- if I may, take an aside, now. It's always difficult to jot down exact pieces of testimony.

THE COURT: No, I -- I appreciate that. I have the same issue, and -- you know -- And I -- I have the same thing written down, yes.

MR. PASHOVITZ: With respect to what I do, do, is I do have a checklist of what I anticipate the evidence will be, and I try and check that off. So I don't have many exact quotes.

THE COURT: Mmhmm.

MR. PASHOVITZ: I'm just curious about what the Court's recollection is of Constable Keating's testimony because I was noting down with respect to my notes and my checklist that he testified that once Jarvis Stewart was in handcuffs --

THE COURT: Okay.

MR. PASHOVITZ: -- he looked over and observed McAvoy and Schaefer struggle to gain control of Stewart -- James Stewart, that is. He was resisting them. I have noted down, at least checked, that -- and I'm not sure if the Court has this or not -- "James Stewart kicked both of his legs, flailed his arms about."

THE COURT: Just a moment.

MR. PASHOVITZ: And I did note the word "struggle", as well, too.

THE COURT: Mmhmm.

MR. PASHOVITZ: "Struggled with Schaefer and McAvoy." So that's -- that's, I would respectfully submit, some evidence, as well, Your Honour. It's similar to the term that kept being used over and over again by the Ontario Court of Appeal in the Sanderson case, Your Honour. Then we have McAvoy -- I'm sorry -- Constable McAvoy testifying, "Keating told me to arrest this male for obstruction," that he trusted officer Keating, is what the Court pointed out. The word that Constable McAvoy used was, again, "struggle". He was asked, of course, "how--" in cross-examination, "How did I assault you?" His answer was, "It was more of a resisting." But I would respectfully submit that those circumstances, a struggle, resisting, are similar -- quite similar, as we all now -- know, when -- two cases are the same --

THE COURT: I think -- I think the way -- I envisioned it from McAvoy's evidence, he had his arms around him, and he wasn't going down.

MR. PASHOVITZ: Right.

THE COURT: And so that's -- that's basically it. I'm not -- you know, I think -- I think it takes more than that for an assault.

MR. PASHOVITZ: Right. And with -- respect to -- constable --

THE COURT: I'm not -- I -- I don't think the argument is that he wasn't resisting arrest.

MR. PASHOVITZ: Mmhmm.

THE COURT: The argument is that he was-- he didn't commit an assault with the intent to resist arrest.

MR. PASHOVITZ: Well, I'm not sure what your notes are with respect to Constable Keating -- as far as the --

THE COURT: Yes. Well, I'm just -- I'm just looking that over again. I had looked at it last night, but I'm just -- and it may require listening to the tape, as well, but let's have a look here. Again, it's a situation -- it's like the last officer that testified, where he said, "He didn't listen, there was a physical altercation." But then when he went- was asked to describe anything, really it's the police physically altercation with

the accused, not -- if that's a word -- and not the other way around. "I got there, he was already on the ground, face down." His wrist -- they had both of his wrists. That was it.

Imagine that, the police were the ones physically altercationing with me...

MR. PASHOVITZ: Mmhmm. And then Constable Schaefer -- my notes: Keating was calling for backup, urgency in his voice, no time to talk for details. "I was acting on grounds that he was arrestable for an offence. I wanted to effect that arrest. He was not complying with police, walking away." Then hands in his pockets. Then lowering his body weight. So I said, "Go to the ground. That's how we are trained right from police college." And this is at the same time that Constable McAvoy did a take-down of him. While on the ground, he was repeatedly told to put his hands behind his back. His right arm was under his body. I tried pulling it out. He kept it tucked in under his body. He kept pulling it back to his body. So then I would respectfully submit, it is similar to the -- again, Sanderson case as far as --

THE COURT: Yes, but it's not -- but it's not --

MR. PASHOVITZ: -- the struggle.

THE COURT: -- an assault. It's not what we would call an assault.

MR. PASHOVITZ: Mmhmm.

THE COURT: If I pull on your arm, you're not assaulting me.

MR. PASHOVITZ; Mmhmm.

THE COURT: Right?

MR. PASHOVITZ: Well, the -- those are my submissions, Your Honour. I -- I wouldn't say I'm happy.

MR. JARVIS STEWART: You're not happy?

MR. PASHOVITZ: When I found the Sanderson case, again, as I indicated no two cases are identical-

THE COURT: Well -- you see it's unclear from reading the Sanderson case --

MR. PASHOVITZ; And that's because -- it's the

THE COURT: -- what happened between the accused and the police officer.

MR. PASHOVITZ: And that's because --

THE COURT: What happened between the accused and the police officer?

MR. PASHOVITZ: And that's because of this-

THE COURT: They basically they go on and spell a whole bunch of things that happened between him and the -- and the girlfriend.

MR. PASHOVITZ: Right. And that's because it is an appealed case, Your Honour --

THE COURT: Yes.

MR. PASHOVITZ: -- so it's not --

THE COURT: No, I know that.

MR. PASHOVITZ: -- the trial transcript.

THE COURT: I understand that, but it's hard to hang much on that -- and just -- I was just glancing at it. Maybe I'm wrong. Hang on a minute.

MR. PASHOVITZ: Mmhmm. Again, with respect to -- if I'll just conclude with this: Constable Keating, I think, combined with Schaefer, combined with McAvoy, I would respectfully submit that there is some evidence of an assault here, assault/resist arrest. That's the phrase that's often used.

And it's similar to the Sanderson case, where, not only was, of course, there enough there to have a case to meet, but also there was enough there for a conviction at trial, which was upheld on appeal. So those -- unless you have any more specific questions, Your Honour, those would be my submissions.

THE COURT: All right, just -- just a moment.

MR. JAMES STEWART: That's the best you've got? That's the best you've got, buddy? That's the best you've got?

MR. JARVIS STEWART: That's really something, dude. That's really something.

MR. JAMES STEWART: Right on, dude.

MR. JARVIS STEWART: Wow, good job, man. Prosecutorial discretion, bro.

MR. JAMES STEWART: Wow, cracked the case.

MR. JARVIS STEWART: Remember, it's not fighting, or it is fighting if you're yelling and screaming. And their definition was, define (inaudible).

THE COURT: You know, no, there's no -- it -- I -- I don't find the -- the Sanderson case very helpful because -- well, it goes through a lot of the circumstances of the obstruction and what happened, what the police observed to see whether they were within their duty or not. It doesn't talk about any of the interaction -- any of the -- very much of the interaction between the police and the accused, so I don't know what -- what -- what that conviction was based upon.

MR. PASHOVITZ: Other than the word "struggle" kept coming up in that case.

THE COURT: Yes, yes.

MR. PASHOVITZ: The word "struggle" was used in this case.

THE COURT: No, I -- so we don't -- Yes. And I think the word "struggle" and "fighting" came up in this case, but when -- when you actually analyze what was going on the -- the police were struggling with -- to get him down on the ground and to get his arm out to handcuff him. And that's the evidence that I heard.

I didn't hear any evidence of what -- you know, what in the Criminal Code would amount to an assault by the accused on the police officers. You know, there was no application of force by him. There was no threat of application of force by him. The -- but that's realistic here. You've got a policeman behind him, holding him. And he's --

MR. PASHOVITZ: I -- and, again, when I read my notes with respect to Constable Keating, kicking arms, flailing about, I would submit that that's --

THE COURT: Yes, well, I'm not --

MR. PASHOVITZ: -- if -- if you don't have that --

THE COURT: -- I mean, I remember that being said by -- and I'm just trying to find out what -- what the context of that was. I'm going to get to the ground. He didn't go there. I had to take him to the ground. Right -- get your arm out, require his arm behind his back. I tried to pull-- oh, that's McAvoy, pardon me. Some screaming and yelling going on. James told to stop and listen. There was a physical altercation. I got there on the ground.

He was facedown, pointed northwest, left wrist, got the -- had the handcuff on, and the right wrist, I assisted in pulling that out. Then he was asked how many traffic stops he's made. I don't think there would be sufficient evidence to put to a jury on -- on whether there -- an assault took place.

I mean, just because a police officer says somebody was fighting, but then has to describe it, and says he's shouting and screaming, and just because another police officer says he's struggling, but in -- when he goes to describe it, it's the police officer pushing him to the ground because he wouldn't go to the ground.

And another officer thinking that he might spit, so he puts his head -- a knee on his head. That -- you know, that -- they may have thought he was going to assault them, but there's certainly no evidence from what I actually heard --

MR. PASHOVITZ: Mmhmm.

THE COURT: -- that -- that there was an assault.

MR. PASHOVITZ: Okay, thank you, Your Honour. Those are my submissions then.

THE COURT: Yes. I don't need to hear from you. I -- with regard to the charge of count number 2 on Information 281, that's the charge against James Stewart, that he assaulted Constable Schaefer and Constable McAvoy, I'm finding that there is insufficient evidence led in the Crown's case --

MR. JAMES STEWART: Right on. Thank you, Your Honour.

THE COURT: -- of -- that -- there was an assault with an intent to resist -- with any intent -- that there was an assault at all. And so that -- that being the case, I'm doing what's called a non-suit.

MR. JAMES STEWART: Okay.

THE COURT: I'm allowing that -- that to be dismissed before you have to answer the case. So that -- that's gone. It's dismissed.

Wait, didn't I actually answer to those charges in court yesterday..? Which begs the question, why the seven months of obligatory case management hearings?

MR. JAMES STEWART: *(Relief, elation, unsure but nevertheless, excited)* Thank you, Your Honour.

COURT CLERK: So (inaudible) is dismissed, Your Honour?

THE COURT: Dismissed, yes.

COURT CLERK: Okay.

THE COURT: Dismissed, I think that's the proper way you do it. So the only things that are before me, now, are willfully obstructed Constable Keating, both of -- both of you are charged with that. Now, Jarvis is charged with willfully obstructing Constable Keating by disobeying a lawful command at a traffic stop. And James is -- is charged with obstructing Constable Keating engaged in the lawful execution of his duty by interfering with the lawful arrest of Jarvis. And that's what's before me now.

MR. JAMES STEWART: Okay. (*I looked at Jarvis, wide-eyed.*)

THE COURT: Okay. And so that I -- there is, I think, enough evidence that you have to try and meet the case. And, as well, you have all of your Charter arguments, too, still that we were -- we have to deal with both of those. So the Crown has finished its case -- its case on both of those matters. And - and the voir dire evidence is in. So it's your turn to lead evidence, now, if you wish. You don't have to lead evidence if you don't want to. It's up to you to lead evidence, if you do. And that includes giving evidence yourself, if you wish.

MR. JAMES STEWART: Okay. (*Jarvis looked at me, wide-eyed.*)

THE COURT: So -- so it's your -- it's your case now. I don't -- I don't know yet whether we'll need it or not.

MR. JAMES STEWART: Good morning, Your Honour. We would like to present some evidence, but at the moment, I do have just a couple of questions regarding -- just yesterday, with the testimony of the officers and just what's going on today, with regards to the obstruction. There's a couple things in regards to the charge, willfully obstruct Constable Keating, a peace officer engaged in the lawful execution, as to that, I have a difficult time with some of the words. I don't understand the term "traffic stop", when it was partaken in a parking lot. We were --

THE COURT: Well, that's a legal argument. After I hear all of the facts and -- and determine -- you see --

MR. JARVIS STEWART: Okay.

THE COURT: -- I have to determine if it did take place in a parking lot or not -- before that becomes an issue.

MR. JAMES STEWART: Yeah -- no.

MR. JARVIS STEWART: Okay.

MR. JAMES STEWART: And that's fine.

THE COURT: So -- so if you want to give evidence on that, then you have to give evidence.

MR. JAMES STEWART: No. Fantastic. And that's just what I was --

THE COURT: Yes.

MR. JAMES STEWART: -- coming to.

THE COURT: Yes.

MR. JARVIS STEWART: I can -- I can do it.

THE COURT: No, you can give -- evidence on the whole -- on everything that happened but all I'm really interested in is the obstructions --

MR. JAMES STEWART: We actually will -- Yeah.

THE COURT: -- because the rest of it doesn't count.

MR. JAMES STEWART; Oh, and we're -- and we're quite happy with just dealing with the obstruction, Your Honour.

THE COURT: Yes.

MR. JAMES STEWART: There's -- there's no -- no talk of the assault here.

MR. JARVIS STEWART: No.

THE COURT: Okay, so -- so -- but -- but I have to- but -- but --

MR. JAMES STEWART: We're dealing -- with -- Constable Keating ultimately would be the only witness.

THE COURT: -- but legal -- conclusions can only be made once I've determined what happened.

MR. JAMES STEWART: That's right.

MR. JARVIS STEWART: Okay, and that's fine.

THE COURT: And I've only heard half of the case.

MR. JAMES STEWART: Yeah, yeah.

MR. JARVIS STEWART: To start with then, we -- you're aware of the case for R. v. Pascal Martin, the case in which Jay Keating-

THE COURT: That's legal argument. I want to hear facts. Facts means --

MR. JAMES STEWART: Just the evidence.

THE COURT: -- that somebody has to get on the stand --

MR. JAMES STEWART: Just the evidence.

MR. JARVIS STEWART: Okay.

THE COURT: -- and testify.

MR. JARVIS STEWART: Okay. Thanks.

MR. JAMES STEWART: Just the evidence first.

MR. JARVIS STEWART: Oh, okay.

MR. JAMES STEWART: We'd like to submit this. It's a combination of the --

MR. JARVIS STEWART: Of the video. Can we run the video first?

MR. JAMES STEWART: It has -- it also has dispatch, like, the dispatch of the -- what the officer was saying.

THE COURT: Is this something that the Crown gave to you?

MR. JAMES STEWART: Oh, yeah.

MR. JARVIS STEWART: Yeah.

MR. JAMES STEWART: Absolutely. It's all right here.

MR. JARVIS STEWART: Yeah.

THE COURT: No, that -- is that something you put together?

MR. JARVIS STEWART: Well, yeah.

MR. JAMES STEWART: Well, this --

MR. JARVIS STEWART: It's just from the - from the video from the Crown.

MR. JAMES STEWART: -- this we -- we summarized. But we have all of the raw stuff that the Crown gave us right here. So I can -- I can give you the raw stuff that the Crown gave us.

THE COURT: Well, just a minute.

We then were subjected to a real dirty trick by Judge Barry Singer... To put it simply, he deceived Jarvis into testifying against himself, contrary to Section 11(c): not to be compelled to be a witness in proceedings against that person in respect of the offence...

MR. PASHOVITZ: Well, I -- I can't answer that -- until I -- see it myself, Your Honour.

THE COURT: Yes. I can't -- I -- you know, the -- the evidence -- it's an exception to the rule that -- that - - and it's only because the Crown is consenting here -- that -- that we're putting in the videos as you received them. I don't want anything that you've -- you've put together.

MR. JARVIS STEWART: Oh, no, absolutely not. This is straight from --

THE COURT: I want the raw stuff. If- if that's what you're going to do.

MR. JAMES STEWART: Sure, okay.

THE COURT: But --

MR. JAMES STEWART: That's --

THE COURT: Well, it is. It's -- it might -- it might be. I don't know that though --

MR. JARVIS STEWART: Well, he just meant -- that's the -- the combination video. That's just -- he's just, kind of, trying to put it all together. A lot of it is just --

MR. JAMES STEWART: Yeah -- no, we have -- the raw video.

THE COURT: Just -- just a minute. Just -- just -- it's not -- If you want to do the combination video, rather than the raw video, then whoever put it together has to get on the stand and tell me what they did.

MR. JARVIS STEWART: Okay.

THE COURT: You see, all of this is based on evidence.

MR. JAMES STEWART: Okay.

THE COURT: And -- and evidence is things that you say in the stand after you've been sworn to tell the truth.

MR. JAMES STEWART: Okay.

THE COURT: Okay, that -- so after we go through that procedure, that's one of the things. And then you want to -- if you want to give evidence about your -- what you saw and heard, as well, that's good, too.

MR. JAMES STEWART: Okay.

Things began to smell fishy, again.

THE COURT: But -- but I can't hear that compilation until I have something to base it on.

MR. JAMES STEWART: Okay, fair enough.

MR. JARVIS STEWART: I will get up on --

THE COURT: And the Crown has the opportunity to ask you questions about what you left out and what you didn't leave out and stuff like that. So if you want to give evidence, now, is your chance.

MR. JARVIS STEWART: I will give evidence.

THE COURT: Okay. Who is first?

MR. JARVIS STEWART: (No audible response.)

MR. JAMES STEWART: (No audible response.)

THE COURT: Jarvis.

COURT CLERK: Okay, would you prefer to give your evidence by swearing an oath on the Bible, or would you prefer to give your evidence by making a solemn affirmation?

MR. JARVIS STEWART: A solemn affirmation.

The big issue here was Bryce should have been describing the video and dispatch audio and other footage from the sally port and booking desk as well as the phone room where the inoperable phone was located. It was a sneaky ploy by Singer to get Jarvis onto the stand so he could manipulate and fluster Jarvis towards his own pre-conceived conclusions.

Once Jarvis took the stand, Bryce and Judge Singer became condescending and argumentative. At times provoking and frustrating Jarvis. Subjecting him to what can only be described as (or taking on the appearance of) an interrogation. Not to mention, both Singer and Pashovitz acted like a pair of real confrontational jerks about it.

Bryce was allowed to cross-examine Jarvis while he was on the stand, in complete violation of Jarvis' Charter Rights, section II(c) to not be compelled to be a witness against himself. Of course, they positioned it as though Jarvis voluntarily consented.

Obviously, by this point in the story, it is clear the crown and judge, acting on behalf of the System had no intention of following the rules. This was a conviction machine, similar to a wood chopper, and Jarvis had been thrown into the hopper, waiting to be shredded into bits under the guise of justice and the rule of law.

And we were legally retarded.

After Jarvis stepped down, I was under no illusions as to what these two men had in store for me. I was determined to make sure I went no where near the witness stand. Fool me once...

COURT CLERK: This court is, now, reopened. You may be seated.

THE COURT: So, Jarvis, you've just testified. And that -- that takes us to the -- the stage where I have to ask you if you have any other witnesses for your case?

MR. JARVIS STEWART: (No audible response.)

THE COURT: Now, we're hearing both together, so if -- if you -- you know, if your brother is going to testify in his case, I'll apply it to both. But if -- are there any other witnesses, other than -- than him that you are calling today?

MR. JARVIS STEWART: Can I -- I guess I can't recall the arresting officer then, hey?

THE COURT: Well, no, you've --

MR. JARVIS STEWART: Okay.

11 THE COURT: -- had your chance to ask him questions.

MR. JARVIS STEWART: And that's fine. I -- I realize that. I'm not really sure on procedure. So, no, there'll be --

THE COURT: Yes.

MR. JARVIS STEWART: -- I have no further witnesses, thank you.

THE COURT: Okay, okay. (*Turning his attention to me*) Are you calling any evidence?

MR. JAMES STEWART: Am I calling any evidence?

THE COURT: Yes. That means, if you -- a witness or yourself. You don't have to call any evidence, or you can. It's up to you. In any case, the Crown still has to prove their case, right.

MR. JAMES STEWART: The Crown still has to prove their case? Okay. (*No shit, Sherlock.*)

THE COURT: So -- but if you want -- if there's anything that you want to call evidence on, for instance, if you want to testify, you're entitled to do that, but you don't have to.

Imagine that, I don't HAVE to testify against myself...

MR. JAMES STEWART: Yeah, I -- I'm-- I'm still really waiting for this guy to get the ball rolling. I don't really see any reason for me to testify. I mean, it's --

THE COURT: That's okay.

MR. JAMES STEWART: I -- I don't really see the need to testify. I'm supposed to be proven guilty, instead of innocent. I am. I haven't done anything, so I'm not sure exactly what I was supposed to testify to, as far as, like -- what happened.

THE COURT: Well, I -- I don't know. It's up -- it's up to you --

MR. JARVIS STEWART: Don't testify.

THE COURT: -- to decide. The case against -- that -- that he's trying to prove against you is that you obstructed Constable Keating by interfering with the lawful arrest of Jarvis Stewart. That's what -- that's what he has to prove.

MR. JARVIS STEWART: Don't then.

MR. JAMES STEWART: That's what he has to prove, yeah. He can go ahead -- and prove (it).

THE COURT: And whether you can -- you want to -- you want me to hear any other evidence-

The thought occurred to me that Judge Barry Singer was a terrible card player.

MR. JAMES STEWART: No, I don't need -- no, I don't need to say anything. Thank you very much Your Honour.

THE COURT: You think -- that there's enough?

MR. JAMES STEWART: I -- I'm happy. You know, he's got to prove that. There's nothing here that I've seen, so I'm not -- I'm not going to say anything.

Smiling, I sat back down and crossed my arms in front of me. I didn't take my eyes off the judge. His poker face gave him away.

THE COURT: Okay. All right. So you're not calling evidence. That -- that's the end of the evidence then on the trial and on the voir dire. We don't need that anymore. Except that I'm going to make that an exhibit, that a full exhibit, unless you have a problem with that disc that he's compiled?

MR. PASHOVITZ: No, that would be with consent, Your Honour.

THE COURT: Okay. All right.

COURT CLERK: We'll -- we'll get a case for it.

THE COURT: I just want to make sure you understand, James, that -- that what -- what you can argue, now, you can't tell me anymore facts that you want me to accept from your point of view. You can't say, you know, his -- but his car was white, or -- you know, or something like that because that's what I saw. You know, it's just something -- because that's not in evidence. You understand that?

MR. JAMES STEWART: (No audible response.)

It was at that moment, that I observed Judge Barry Singer to fidget and appear somewhat flustered or unprepared.

THE COURT: I'm not asking you to testify. I just wanted to make sure that you understand that I have to look at everything I've heard, both from your brother's case and from the Crown's case, to make up my mind.

MR. JAMES STEWART: Okay. No, Your Honour, at this time I -- I don't see how I could add any evidence.

THE COURT: Okay, okay, that's good. That's -- I just want to make sure.

MR. JARVIS STEWART: Yeah. Thank you, Your Honour.

MR. JAMES STEWART: Thank you, Your Honour.

THE COURT: Okay.

COURT CLERK: Okay.

THE COURT: Okay, well, you, sort of, caught me off guard there, (*heh heh*) so what I'd -- what happens then, next, is argument. And ordinarily Jarvis, where you call evidence, which you did, you would go first on the argument and then the Crown would go next. And similarly on the -- the breach of your Charter rights. I want to raise something with the Crown first though, before we get into that.

There was evidence led by Jarvis as -- a number of things that could amount to a Charter breach. And particular evidence that he was -- that he wasn't given an opportunity to contact a lawyer, a real opportunity; and, secondly, that he was overhauled, there was no particular reason to hold him in custody. And he -- he gave notice of those, and he asked for some remedies under 24(1). So I know that you're aware that that was coming. I do want to give you the opportunity, though, because there was no evidence called by the Crown as an explanation of the overholding or anything like that.

If -- if you -- I mean, you'll have to assess in your own mind whether you think he led enough evidence that there's something for you to answer. I don't know that yet. I haven't given it much thought. But there's certainly -- it's on the table. You know, there's certainly some evidence of that. But I would like to give you the opportunity before -- if you wish to call any evidence in explanation of either of those two breaches?

Imagine that, a seasoned Provincial court judge just got caught off guard, by a retard like me.

MR. PASHOVITZ: I appreciate that, Your Honour. So just thinking on my feet, being that the- especially the overholding table (sic) -- issue is on the table -- I may seek an adjournment, just on that argument, to see whether I would be calling anybody from -- detention.

THE COURT: The -- the only reason I raise that particular one is because I think the evidence I have before me is that someone was asked why he was held. And they said it was the sergeant of the -- in the detention that made -- made the decision and --

MR. PASHOVITZ: That's -- that's correct, Your Honour.

THE COURT: Yes.

MR. PASHOVITZ: So I just -- I want to tread carefully. I think I'm this -- and I've done this in other cases, where I've just argued with respect to that argument on the evidence that has been heard. And I've just argued -- I call them the --

THE COURT: I -- I'm not sure the -- I -- even if -- even if the breach is made out, I'm not sure how to fix anything anyways, but -- but it's one of those -- it's one of those ones where the remedy is maybe unrelated to the -- because it's not an exclusion of evidence type thing.

MR. PASHOVITZ: No. That would certainly be my argument, Your Honour.

THE COURT: It's -- Yes.

MR. PASHOVITZ: Just to tread carefully, I -- I would just, again, with you raising it, now, be possibly seeking -- leave to argue that -- point later.

THE COURT: Okay. Well, then -- then I think what we're going to do is adjourn until tomorrow morning. We have the day set for argument anyways. And that will give everybody a chance to focus on what the issues are. There -- there -- there are several Charter issues that have to be dealt with before I deal with the -- or I want to hear argument on anyways before I deal with the -- anything else, like, the -- the charge itself. The first -- the first issue is the -- is the search of the vehicle.

The -- as I -- as I heard the evidence, it was a warrantless search. And unless it's authorized by statute or is for some other reason a reasonable search in the circumstances, the evidence that was -- was garnered by that search should be excluded, or possibly should be -- or I guess that's the argument, of whether it should be excluded or not. So that's the -- that's the first issue because it deals with exclusion of evidence.

The second Charter issue that -- that's -- that I think came up is -- well, it was raised by -- by Mr. Jarvis (sic) as an arbitrary detention issue. I'm not sure that's a -- whether that's a Charter issue or whether that's an issue that goes to something else, but it's something I would like to hear discussion on. The third issue is -- was the -- his inability to contact a lawyer when he was placed in the phone room, and the lack of assistance by the police in that regard.

And the related issue is why he wasn't -- he wasn't released right away on an obstruction charge. And I guess it applies to both Mr. Jarvis (sic). Now, all of these -- those are -- so I want to hear argument on all of those. And then -- because they've raised them. Then I want to hear, I guess, if the breaches are made out, I guess I have to decide what to do with them, so some of them are 24(2) and some are 24(1) type breaches or applications.

So what the appropriate remedy then is. And the third thing is then-- is -- is whether the Crown has made out the offence of obstruction in each case -- or the last thing. And any assistance either -- you know, you can give me and -- and the Crown can give me in -- in all of this, I'd appreciate. So I'll leave argument until tomorrow. That will give me a chance to go through -- go through my notes of the circumstances again -- so I have a good idea in my head what I think I'm going to do with regard to what -- deciding what happened and who to believe and that sort of stuff.

MR. JAMES STEWART: Okay. (WTF?)

It was obvious they had planned or were attempting to interrogate me on the stand. I had thrown cold water on their little flaming inquisition.

Jarvis did his best to explain the violation of our Charter Rights, specifically, the over-holding and not getting a call to a lawyer. These Charter breaches were also raised by Jarvis during our case management sessions with Judge Albert Lavoie.

Finally, the traffic tickets I had received from the RCMP and SPS tag-team sting operation on October 16th, 2012, arose and both Judge Singer and Bryce attempted to legitimize them.

Which led to this exchange:

THE COURT: Okay, so we'll adjourn - will come back at 9:30.

MR. JARVIS STEWART: Can I -- can I just say something really quickly?

THE COURT: Yes, sure.

MR. JARVIS STEWART: I just thought maybe -- did you have any thoughts as to a Section 7 violation? I know there's been numerous -- I mean, it's the reason there was so many case managements is, we haven't received anything that would resemble adequate disclosure.

THE COURT: Well --

MR. JARVIS STEWART: We've listened to the officers' testimony, the use of force reports, the mug shots they took of us.

THE COURT: Okay. Okay. Use -- use of force reports are the property of the police, they're not part of the Crown's case. There's a procedure -- the -- this -- this is kind of, hard to understand.

MR. JARVIS STEWART: An O'Connor application. An O'Connor application, right?

THE COURT: Yes. And you have to make the O'Connor application before the trial.

MR. JARVIS STEWART: And we've -- we sent them one. And we did

MR. JAMES STEWART: We did.

Judge Singer was instantly on edge...

THE COURT: No, you didn't because there's no O'Connor application.

MR. JARVIS STEWART: I -- I talked to -- Justice Lavoie, and I gave him my O'Connor application. And he said it would not be necessary. He said under first party disclosure obligations pursuant to MacNeil (ph), that this man had to give me all of the relevant information -- relevant information regarding the conduct of this officer. We already have him in a case where he's -- he's --

THE COURT: Just a minute.

MR. JAMES STEWART: We have the O'Connor.

MR. JARVIS STEWART: -- it's the exact same type of misconduct.

THE COURT: Just a minute.

MR. JAMES STEWART: We have the O'Connor.

THE COURT: Okay.

MR. JAMES STEWART: We typed it up.

THE COURT: Okay, okay.

MR. JAMES STEWART: And Judge Lavoie didn't want it.

MR. JARVIS STEWART: And so we asked Justice Lavoie --

THE COURT: All right, though, just a minute here. Let's-- let's get this straightened out beforehand. Do you know anything about this?

MR. PASHOVITZ: I know that I haven't disclosed any use of force reports, Your Honour.

THE COURT: Mhmm.

MR. PASHOVITZ: I do know that there's a civil action because -- with respect to one of our MacNeil disclosure letters to both James Stewart and Jarvis Stewart, we indicated that we're aware that you've filed a complaint to the Public Complaints Commission --

THE COURT: How -- how does it -- and how does that matter, now, that I threw out the assault charge?

MR. JARVIS STEWART: Oh, just -- it just shows Jay Keating's misconducts, how he treats the public really. I mean, we wanted his discipline records because we thought they were relevant. I mean, we're both -- we both have clean criminal records. I've never assaulted --

THE COURT: Well --

MR. JARVIS STEWART: -- anybody. I've never -- I have a clean driving abstract.

THE COURT: -- I didn't know this when you had him on the stand, that you didn't have his -- I know -- I know you made an application for his -- under MacNeil for his disciplinary records. And they're entitled to that.

MR. JAMES STEWART: We didn't get any of those.

MR. JARVIS STEWART: I didn't get any of that. That's why I said my Section 7 Charter right had been violated.

THE COURT: Okay, just a minute.

MR. PASHOVITZ: I can show you the letter, Your Honour, that we provided in response to that, along with the letter that confirms that we -- we've become aware of the Police Complaints Commission complaint.

THE COURT: On this case or other cases?

MR. PASHOVITZ: (No audible response.)

THE COURT: Oh, well, we'll see what you've got. If you've read MacNeil, then you know that those -- those reports, even when you get them, are just for the purposes of cross-examining a witness, and if you have something from him already --

MR. JARVIS STEWART: I don't have anything though. That's the problem. I haven't received anything.

THE COURT: Well, let's -- let's see what they sent you.

MR. PASHOVITZ: So that's -- well, that's just confirming that there was the police complaint, Your Honour, so, again, if they've -- or one of them has laid a complaint, one would think that they would have obtained that material through that process?

THE COURT: No, no, no, no, no --

MR. PASHOVITZ: No?

THE COURT: -- no, no. That's not what MacNeil says.

MR. JARVIS STEWART: You can't --

MR. PASHOVITZ: No, no, I apologize.

MR. JAMES STEWART: Permission to speak, Your Honour.

THE COURT: No, just a minute.

MR. PASHOVITZ: I think we're -- getting the --

THE COURT: I just want to hear what he says.

MR. PASHOVITZ: I'm sorry, I apologize. We're getting the two issues -- there's two different issues here, Your Honour. There's the use of force reports, which, again, I have not disclosed. I don't have those in my possession. With respect to the request for MacNeil disclosure, I can provide copies of the letters that were provided to James and Jarvis Stewart.

THE COURT: That's -- that's what I want to see, not the ones saying about the police complaints.

MR. PASHOVITZ: Yes. There's a number of them. I'll just have to try and --

THE COURT: Well, just -- just a minute. I know the use of force are not in your possession. But did not Judge Lavoie indicate that you were supposed to get them in your possession and turn them over?

MR. PASHOVITZ: That may well have occurred before I was on the file, Your Honour, but -- yeah, this is the first I've heard of -- of that.

THE COURT: Well, I -- I wish I'd known this before because it has to do with their ability to have a fair trial --

MR. PASHOVITZ: Mmhmm.

THE COURT: -- and cross-examine the witness. And they -- it went by that already.

MR. JAMES STEWART: That's because they're trying to railroad us.

MR. PASHOVITZ: I'll just -- (*No*)

MR. JAMES STEWART: (*Yes you are*) You're trying to railroad us, Bryce.

MR. PASHOVITZ: -- I'll trade you copies. This is the letter with respect to the MacNeil disclosure request.

THE COURT: All right. Well, they've answered your question on the MacNeil. Yes, Constable Keating has no complaint.

MR. JAMES STEWART: Well, Your Honour, Justice Lavoie said that wasn't relevant MacNeil disclosure, as this one assault, and the officer acted using physical force -- physical force --

THE COURT: There's --

MR. JAMES STEWART: -- so --

THE COURT: -- there's been no discipline -- what did it say?

MR. PASHOVITZ: (No audible response.)

THE COURT: Did it say that -- read -- read it into the record?

MR. PASHOVITZ: Oh. "Constable Gordon James Keating has no MacNeil disclosure to report." It's my reading --

THE COURT: Oh.

MR. PASHOVITZ: -- of MacNeil that I don't think there would be anything more for him to report until there is a finding of some respect, with respect to the --

THE COURT: There's been -- no discipline hearings.

MR. PASHOVITZ: -- complaint that I think -- was laid by one of these individuals against Constable Keating. So that's what that boils down to, Your Honour. That's my reading of the case and this letter.

THE COURT: The note says here: "List of police officers for which disciplinary records may or may not be disclosed." And there is none to disclose, they say.

MR. JARVIS STEWART: Well, and that's the problem, is that's just what they say. I mean, we have case law here that says Constable Keating has grossly violated a man's Section --

THE COURT: That doesn't -- whether a Judge finds to believe someone or not, it doesn't mean there's a disciplinary record on them.

MR. JARVIS STEWART: Okay.

THE COURT: Yes. And if they say -- I'm prepared to accept -- if the prosecutor says there's no -- or the police say there's no disciplinary records, there's no disciplinary records.

MR. JAMES STEWART: Judge Lavoie said -- Your Honour, Judge Lavoie said that was not MacNeil disclosure. He told --

MR. JARVIS STEWART: No, that's fine.

THE COURT: Well, I don't know --

MR. JARVIS STEWART: If you're -- if you're -- if you're willing to take his word for it, I mean, all we can say is -- we -- we have

THE COURT: -- what else would be. I don't -- know what else would be. MacNeil just says -- if there is a disciplinary record, then it should be disclosed. If there's not one, then it -- there's nothing to disclose.

MR. JARVIS STEWART: Okay.

MR. JAMES STEWART: Okay.

MR. JARVIS STEWART: I guess we'll take --

THE COURT: I don't know --

MR. JARVIS STEWART: -- his word for it.

THE COURT: -- what else -- he could possibly say. Is there any -- anything else I should know about?

MR. JARVIS STEWART: No. I mean, I -- I think that's it. I've -- we've --

THE COURT: Well, no, I'm not -- I'm not concerned about the disclosure issues because it's -- for number 1, it's a bit late in the day to raise it, but, number 2, what -- what they provided you there is -- is, to my mind, that's what -- all that MacNeil requires, is if there is disciplinary records, then you have -- they have to disclose it. If there's not -- now, the issue of the use of force, it's not covered, I don't think, by anything I could see that Judge Lavoie did in any of the case managements, unless I'm mixed up here. Let me have a look here. No, there's no -- there's no particular note about it here.

He's not concerned about disclosure issues because it's a little late in the day to be raised? Late in the day?!

MR. JARVIS STEWART: About discipline records or use of force reports?

THE COURT: About -- about use of force reports. And where is the -- where is your O'Connor application?

MR. JAMES STEWART: He told us not to hand it in until we got here.

MR. JARVIS STEWART: No, no. I've got a copy of it though. I have it here somewhere.

THE COURT: And it was handed in?

MR. JAMES STEWART: No, he -- he -- he said -- No, he returned it back.

MR. JARVIS STEWART: No, it was handed in. It was handed -- in, and he basically told me we really didn't need to do it, but I definitely gave it to him. That's a copy of it. And he told me --

THE COURT: Yes, I don't --

MR. JARVIS STEWART: -- it wasn't really --

THE COURT: -- I'm not sure how relevant it is, since the assault charge isn't before me.

MR. JARVIS STEWART: Okay, that's fair, that's fair.

THE COURT: Yes.

MR. JARVIS STEWART: I just -- wanted to bring it up because --

THE COURT: Yes. It's just the obstruction charge -- which allegedly took place a long time before any of the assault business. Okay.

Any of this assault business..?

MR. JARVIS STEWART: Yeah, that's fair. (*rolling eyes at me*)

MR. PASHOVITZ: Thank you, Your Honour.

THE COURT: Okay.

COURT CLERK: Order in court, all rise. I declare this Court closed in the name of Her Majesty The Queen.

(COURT ADJOURNED APRIL 17TH, 2013)

Chapter 35 - Pirates

R. v Stewart, Criminal Trial

April 18, 2013

Day 3

(Excerpts directly from my criminal court transcripts)

Additional comments in italics included as my opinion/insight

COURT CLERK: In the name of Her Majesty The Queen, I declare this court opened. The Honourable Judge Singer presiding.

THE COURT: Okay.

MR. PASHOVITZ: This is -- good morning, Your Honour.

THE COURT: Mmhmm.

MR. PASHOVITZ: Returning to the Stewart trial.

THE COURT: Mmhmm.

MR. PASHOVITZ: Just for procedural purposes, I'm thinking that the Crown should make its submissions first.

THE COURT: Yes.

MR. PASHOVITZ: I know there was the voir dire, and there were a number of Charter applications, so --

THE COURT: And --

MR. PASHOVITZ: -- the onus is on the accused with respect to a balance of probabilities burden with respect to --

THE COURT: Ordinarily --

MR. PASHOVITZ: -- some of those matters.

THE COURT: -- we reverse all of the orders when there's unrepresented accused, so it's not unusual, if you want to go first.

MR. PASHOVITZ: No. That's fine. I just wanted to have that on the record.

THE COURT: Yes.

MR. JARVIS STEWART: With all due respect, I think I've proven on a balance of probabilities that my rights were violated. I was looking for --

THE COURT: Sit down.

MR. JARVIS STEWART; -- a reason.

THE COURT: Just sit down for a minute. The -- I just -- did you just hear what I said?

MR. JARVIS STEWART: (No audible response.)

THE COURT: The Crown --

MR. JARVIS STEWART: You told me -- to sit down.

THE COURT: -- the Crown -- is going to go first --

MR. JARVIS STEWART: Okay.

THE COURT: -- in the submissions. It's -- it's -- unless you wish to go first?

MR. JARVIS STEWART: No, go ahead.

THE COURT: Yes, it's okay. I just don't know why you were popping up.

MR. JARVIS STEWART: Okay. No.

THE COURT: Okay.

MR. JARVIS STEWART: Let him go.

THE COURT: Okay.

MR. JAMES STEWART: He's just being a little emotional, Your Honour. (*I wonder why, your Honour?*)

THE COURT: Yes, well, take it easy.

MR. PASHOVITZ: I'll provide my Crown Brief of Law and Argument to the Court, Your Honour, with respect to the issues that you raised yesterday.

THE COURT: Thank you. Do you have for the defence?

MR. PASHOVITZ: And there's two copies, as well, Your Honour.

THE COURT: All right.

MR. PASHOVITZ: So what I've laid out or I've jotted down the -- I believe the four issues that were identified by the Court yesterday with respect to the voir dire issues. And, as well, I included some cases at the end, just to assist the Court with respect to the -- the merits of the obstruction charges. At the end of my submissions, I'll be trying to review the evidence as I recall it with respect to the trial that shows that both James Stewart and Jarvis Stewart are guilty of obstructing Constable Keating. But back to the Brief, back to the issues that were raised by the Court yesterday, I don't plan on reading --

THE COURT: Well, I --

MR. PASHOVITZ: -- my Brief --

THE COURT: -- I -- I --

MR. PASHOVITZ: -- word-for-word, but --

THE COURT: -- I only raised them because they were in the Notice --

MR. PASHOVITZ: Exactly --

THE COURT: -- provided.

MR. PASHOVITZ: -- Your Honour. No, and I appreciate you clarifying that, as well. Issue number 1, search of the vehicle, it's my review of the case law that, according to the Supreme Court of Canada, when an officer stops a driver for a traffic offence, the officer may require the driver to produce identity documents. If the driver does not produce them, the officer may search the vehicle for them. That's my review of those cases, Your Honour. And, again, with respect to what happened at the scene, we have the evidence from Constable Keating as far as the lack of identification.

I think other officers corroborated that, as well, too. Further, I don't know if I want to say in the alternative, but I just put further, provincial legislation, as well, provides the police with the authority in

certain circumstances to tow and impound a driver's vehicle, which is what happened here. As well, the authority to tow and impound a vehicle carries with it the duty and responsibility to take care of the vehicle and its contents and allows the police to do an inventory of the vehicle's contents, as well. Therefore, the Crown respectfully submits that upon our review of what happened on the night in question that section 8 of the Charter was not breached due to the initial search of the vehicle, due to the fact that the police can search it for identification documents.

However, further, if the Court does find that the initial search did breach Section 8, that the evidence found in the search ought not to be excluded due to that breach, pursuant to Section 24(2) of the Charter, as its discovery was inevitable -- inevitable, due to the fact that the vehicle was seized and the evidence would have been found in the glove box in any event through an inventory search. The Crown respectfully submits that even if the evidence is excluded by a Section 24(2), similar to the rights –

THE COURT: What about –

MR. PASHOVITZ: -- to counsel –

THE COURT: -- but does –

MR. PASHOVITZ: -- issue –

THE COURT: -- an inventory search allow them to seize anything?

MR. PASHOVITZ: (No audible response.)

THE COURT: Or just make a list of everything that's there?

MR. PASHOVITZ: (No audible response.)

THE COURT: It's for -- it's for -- to -- it's for safety (sic), isn't it?

MR. PASHOVITZ: (No audible response.)

THE COURT: I mean, safekeeping?

MR. PASHOVITZ: Safekeeping.

THE COURT: Yes.

MR. PASHOVITZ: But if it's a lawful, I guess, reason to be in the vehicle, if they find something that supports the charge, like, what would have happened here, as far as those right to travel documents, et cetera, I think that would still allow those to be introduced at a trial like this. That's my read of the case law.

THE COURT: Well, I've -- I've never -- for instance -- I'm just using the example of, say, they find -- and nothing like this happened, but –

MR. PASHOVITZ: Right.

THE COURT: -- let's say they find a machine gun or something.

MR. PASHOVITZ: Right.

THE COURT: Then the inventory search isn't -- isn't -- you're not permissible to seize. You know, they have to stop and -- and get a warrant and all of that to seize anything.

MR. PASHOVITZ: Fair enough, Your Honour.

THE COURT: Yeah.

The bullshit. and nonsense continued with the pair of them still arguing and frustrating us, yet again. Bryce attempted to placate the judge regarding our Charter breaches, but Bryce's argument was weak and falling apart at the seams. As the two of them stumbled along, Jarvis and I became more and more impatient and irritated. After more back and forth, Bryce stubbornly proceeded with his submissions.

BRYCE PASHOVITZ: I -- I want to just touch on this, with respect to, again, this being a trial, the Court being allowed to judge credibility, being allowed to make its decision by what it's seen and heard here in the courtroom. Your Honour, in cross-examination yesterday, I was met with my question being met with being asked a question, it was met with an individual asking why this is relevant; it was met with an individual saying it's ironic that I was asking him certain questions; was met with an individual who had to be told by the Court to answer a question. And I would respectfully submit that that's also evidence that can be used by this Court in order to decide what happened, what was said, and how -- who was acting like what during this traffic stop.

I would respectfully submit that when you have that type of response, as far as a question being answered with a question, being asked why things are relevant, being told things are ironic, and some questions not being answered at all, to find an individual in a respectful, controlled environment like a courtroom, I can easily see that that same individual could be confrontational to Constable Keating during a traffic stop of this nature. I just wanted to put that on the record, as well, Your Honour, as far as your determination with respect to what happened in the parking lot on the night in question.

With respect to my submissions, Your Honour, this is not the type of case that deals with the sometimes intricate issue of ability to arrest for a Traffic Safety Act offence or anything like that. It's on all-fours with the cases that I've referred to in my Brief, as far as [police officer identifiable, engaged in the lawful execution of his duty, a legal stop, a lawful demand, that demand is not complied with. That's obstruction, that's what the cases that I've included in my Brief have said.

And many of those cases are -- are of a much lower nature than what we have here today, specifically the Supreme Court of Canada bicycle case. It's a bylaw case. The other case out of Saskatchewan, I think, was another city bylaw case, as far as an individual walking his dogs without a license or things of that nature. This is a scale above that, being that this is a Provincial Traffic Safety Act offence, driving is a privilege, not a right. I don't want to harp on those comments anymore, Your Honour, because you're well familiar with them. So the Crown respectfully submits that there is sufficient evidence for this Court

to return a verdict of guilty with respect to Jarvis Stewart and obstruction by failing to comply with the lawful demands by Constable Keating. As well, with respect to James Stewart, similar to the cases which I've filed in my Brief, interfering with a lawful arrest. The evidence that we heard from Constable Keating was that James Stewart was circling around, was swearing. The evidence we heard from Constable Keating was that, not just once, but there were two times that Constable Keating had to lift his leg.

I believe he stated it was his right leg, to keep James Stewart away from himself. Hence, the charge against James Stewart, which I would respectfully submit has been proven beyond a reasonable doubt. Some would even submit that it could have been a charge of assault, based on the definition of Section 265, with the threatening gesture. I'm not arguing for any assault convictions, of course, Your Honour, but I am respectfully submitting that what we have here is evidence beyond a reasonable doubt of obstruction by both Jarvis Stewart and James Stewart.

And, again, if I can conclude with this: It comes as no surprise. These are individuals that drive around with these Right to Travel documents in their glove box. They are individuals -- one of them had his Traffic Safety Act tickets written on, "Will not contract." Jarvis Stewart testified about his attitude towards the driving regulations in our province. That's what Constable Keating was met with. They were obstructive, in my mind, during the entire incident, Your Honour.

MR. JAMES STEWART: Great case, Bryce.

THE COURT: So with regard to James then, what you're relying on here is him circling around, swearing at the officer, questioning what was going on?

MR. PASHOVITZ: Yes.

THE COURT: And the officer's apprehension that he was under a threat?

MR. PASHOVITZ: Exactly. Just --

THE COURT: But not -- but not that -- not that he did anything threatening?

MR. PASHOVITZ: No. That he did something threatening, as well, Your Honour.

THE COURT: Which was?

MR. PASHOVITZ: That's -- the -- the entirety of Constable Keating's evidence is what I'm relying on, Your Honour.

THE COURT: So the threat -- the threat is clenched fists -- gritted teeth, sweating profusely, and that was it, I think?

MR. PASHOVITZ: Exactly, Yes. To the point that, again, Constable Keating testified that he lifted his leg, not once, but twice, in order to keep James Stewart away from the arrested person, Jarvis Stewart. That's -- if -- if -- I would respectfully submit, the most concerning part of his testimony, Your Honour.

THE COURT: But that his apprehensiveness- but nothing came of it?

MR. PASHOVITZ: (No audible response.)

THE COURT: I mean, the fellow never came closer than six to eight feet.

MR. PASHOVITZ: And similar to the other cases, where people were ordered to disperse and did not disperse. Those amounted to obstruction counts. The same thing here, when --

THE COURT: And what did -- what did he order him to do?

MR. PASHOVITZ: Well, I think in his testimony --

THE COURT: I mean, I --

MR. PASHOVITZ: -- he said --

MR. JARVIS STEWART: Not a thing.

MR. PASHOVITZ: -- "Get back," "Stay away," words of that nature.

THE COURT: Which is what he did?

MR. PASHOVITZ: That's -- but that's -- that's in response to Constable Keating having to say those words to James Stewart, I think his testimony was, repeatedly. Again, I'm just looking --

MR. JAMES STEWART: Yeah.

THE COURT: I'm not -- I'm not -- I'm just -- I'm just trying to put -- picture all of this. I mean, if -- if you've taken obstruction to be to make the policeman's job harder, somebody yelling and swearing at you from six to eight feet away makes the job harder. But I'm not sure if that's enough. And that's -- that's what I want to look at.

MR. PASHOVITZ: Mmhmm.

THE COURT: It certainly doesn't -- it certainly doesn't help him, doing his job.

MR. PASHOVITZ: When you look at the totality -- No. And when you look at --

THE COURT: Yes.

MR. PASHOVITZ: -- the totality -- and, again, I'm trying to look at this through the eyes of Constable Keating. When you look at the totality of the situation, as a peace officer, he's by himself. He's faced with this situation. He's arrested Jarvis Stewart for obstruction already. He's faced with an individual, as he said in his testimony, circling, sweating profusely, clenched.

And then not only that, but the individual approaches him once. He's told to get back. Does he do it? Yes. But then he comes at him again, to the point that he has to lift his leg a second time. The phrase that's used in the Information is appropriate, Your Honour, as far as interfering with a lawful arrest. It's not that he assaulted Constable Keating. No. It's an obstruction count by interfering with the lawful -- interfering - - that's the word that's in the count -- with the lawful arrest of -- of James (sic) Stewart.

MR. JAMES STEWART: Jarvis Stewart.

MR. PASHOVITZ: I'm sorry. I apologize. Jarvis Stewart.

MR. JAMES STEWART: You already arrested him. You just admitted, he already arrested him.

MR. JARVIS STEWART: So how did he -- how did he express (*obstruct*) the arrest?

MR. JAMES STEWART: (Inaudible) without being arrested.

MR. JARVIS STEWART: How did I (*he*) interfere with him --

THE COURT: Okay.

MR. JARVIS STEWART: -- when I'm already arrested?

THE COURT: Okay, okay, guys.

MR. JARVIS STEWART: I apologize, Your Honour.

I had heard enough. I was tired of the nonsense and fuckery. I needed to vacate the courtroom to better clear my head and attempt to decompress.

MR. JAMES STEWART: Your Honour, I'd like to take a five minute recess. I have to use the bathroom, and I have to plug the meter.

THE COURT: Good. That's not a --

MR. JARVIS STEWART: Can we recess?

THE COURT: Sure.

MR. JAMES STEWART: Fantastic.

MR. JARVIS STEWART: Thank you very much. Thank you. Your Honour. I appreciate it.

THE COURT: Okay.

COURT CLERK: Order in court. All rise. This court is adjourned for a few minutes.

MR. JARVIS STEWART: Thank you, Your Honour.

(COURT ADJOURNED)

I was losing my patience by this point. The grovelling and scrounging by the judge and crown prosecutor to somehow substantiate these bogus charges of obstruction were difficult to listen to. It was so obvious they were not letting those bogus charges go. It was so pathetic; I could only shake my head.

(COURT RECONVENED)

COURT CLERK: This court is, now, reopened after an adjournment. You may be seated.

MR. PASHOVITZ: I have nothing further, Your Honour. Thank you for answering (sic) -- asking the questions you asked me.

THE COURT: All right. Okay. Thank you. Jarvis, do you want to start?

MR. JARVIS STEWART: Can I just start -- what am I allowed to present right now, Your Honour?

THE COURT: Your legal argument.

MR. JARVIS STEWART: Okay, my legal argument is that Jay Keating's notes are completely inconsistent with his testimony. In fact I'm ----

THE COURT: Just -- just a moment. You have to go slow. Keating's --

MR. JARVIS STEWART: Okay. *(taking a deep breath)* Jay Keating's notes are completely inconsistent with the testimony that he provided in court. There's absolutely nothing to indicate in his notes that he asked me for license, registration, or anything to do with paperwork regarding the car. If I'm even allowed, I can read from his notes. And there's nothing in his notes to indicate that he chirped the siren.

THE COURT: Okay. Just a moment. Unfortunately, what's happened here is -- is a problem that might arise when somebody doesn't -- isn't a lawyer. His notes are not evidence, unless you present them to him.

MR. JARVIS STEWART: Okay.

THE COURT: Do you remember when you were on the stand, the way the prosecutor read to you parts of that Affidavit, and asked if you adopted it or not, and that sort of thing?

MR. JARVIS STEWART: Yes.

THE COURT: That's what has to happen when you want to -- like, those notes aren't evidence --

MR. JARVIS STEWART: Okay. *(Jarvis looked at me, incredulous, and I rolled my eyes...)*

THE COURT: -- unless you specifically point it to him and say, "What do you say in your notes here about this?" Now, I think you did ask him about -- about anything in his notes about identity --

MR. JARVIS STEWART: Yeah, I did. Yes.

THE COURT: -- and that sort of thing. And I -- I think I made a note of that.

MR. JARVIS STEWART: Okay. *(I looked at Jarvis, and it was his turn to roll his eyes at me...)*

THE COURT: But you cannot read to me what his notes say.

MR. JARVIS STEWART: Okay.

THE COURT: Yes.

MR. JARVIS STEWART: That's fine.

THE COURT: Yes.

MR. JARVIS STEWART: Anyways, for the record then, I will just say that his notes are completely inconsistent. There's -- and nothing in his notes indicate --

THE COURT: That -- that -- that's in the -- evidence, yes.

MR. JARVIS STEWART: -- that he at any time -- asked me for a license or registration. In addition, I -- I never thought it would make it this far because I thought the testimony of Jay Keating would have been called into question because of the case of R. v. Pascal Martin, where Jay Keating showed some misconduct that had the exact same circumstances as this -- as this instance, and Jay Keating was found to have used force against a man, and then gone up on the stand and lied about it, accused this man of

throwing a punch at him, and then him walking away from him, and Jay Keating had to take him down. After calling out demands over the loudspeaker in his car, Jay had to take this man down for some reason.

And he ended up violating the man's Section 7, 8, 9, and 10 Charter rights -- I'm sorry -- 8, 9, and 10 Charter rights in this case. So I -- I questioned the testimony of Mr. Keating before he took the stand. I even said in my Charter application that I wanted him to testify under the penalty of perjury, if he did lie. And as far as I'm concerned, regarding his notes and the -- the circumstances of this event, he did lie.

He lied on the stand in an attempt to make me a criminal, a man that has no criminal history. I have a clean driving abstract. We're pretty much upstanding, good guys. And this man attempted to make me into a criminal to cover up for his misconduct. And that's more or less all I have to say. I think the Crown here has shown some serious misconduct. He failed to respond to my motion before the case trial. I do have that here for the record. He didn't really see it important to get back to us regarding anything.

I do have our O'Connor application. I do have my disclosure notice from September 6th, asking for use of force reports, police action reports, but I didn't -- never received any of this disclosure. I was never -- I was actually shut out. I received -- I received, as part of my disclosure, I received a criminal record from someone named Daniel Stewart, who is not me.

My name is Jarvis Dean Stewart. I've never been Daniel Stewart. But I received a criminal record from a guy named Daniel Stewart for theft under \$5,000; driving while ability impaired. I -- I don't know what -- is this -- is this disclosure? Is this -- are -- do you guys have the right person? I don't know who this guy is. I don't know why this is being provided in my disclosure, but I don't get use of force reports.

I think this is a marked departure from the normal as far as the Crown is concerned. I think this is some egregious misconduct. And I'm really not happy about this. I'm really not happy about this at all. So I think my Charter violation notice speaks for itself. I think the evidence is all there. I really have nothing further to say. Thank you very much.

THE COURT: James?

MR. JAMES STEWART: (No audible response.)

THE COURT: Is there anything you wish to -- say about -- your case?

MR. JAMES STEWART: Absolutely Your Honour. Thank you. According to Jay Keating, he said he was explaining, explaining, explaining, and explaining some more. And according to our video, the whole encounter took approximately five minutes. That was between use of force, getting thrown in a squad car, and getting beaten up. So I really find it interesting that this Jay Keating did quite a good job of explaining his circumstances in a public parking lot, at seven o'clock, in three minutes.

There was ten cars showed up. I don't know how anybody can see this as not pulling into a parking lot. We were going to Shopper's Drug Mart. We had reason to go to Shopper's Drug Mart. Just because a cop pulls up behind you as you're pulling into a parking lot, and then turns his lights on, does not mean he is instigating a traffic stop.

This does not -- it's not just a magic button, where you sprinkle fairy dust, and, poof, this is, now, a traffic stop. We were driving into Shopper's Drug Mart. He did not trail us down the road. He was not following us for blocks and blocks and blocks. He pulled behind us, as we were pulling into the Shopper's Drug Mart parking lot, and that proves it on the video. He was --

THE COURT: Did the video --

MR. JAMES STEWART: -- quite aware --

THE COURT: -- the video shows him as behind you on 8th Street.

MR. JAMES STEWART: Pulling into a parking lot.

THE COURT: Well --

MR. JARVIS STEWART: No, but he didn't --

MR. JAMES STEWART: There was no --

THE COURT: -- on 8th --

MR. JARVIS STEWART: -- put his --

MR. JAMES STEWART: -- lights on.

THE COURT: -- on 8th Street.

MR. JAMES STEWART: But he did not put lights on. He did not put lights on.

THE COURT: How do you -- how do I know that?

MR. JARVIS STEWART: It's in the video.

MR. JAMES STEWART: It says.

MR. JARVIS STEWART: The lights --

MR. JAMES STEWART: It says. Sit down. Sit down. Sit down.

THE COURT: Yes.

MR. JAMES STEWART: In the video --

THE COURT: Yes.

MR. JAMES STEWART: -- there's a little light switch at the bottom that shows the cop's -- I'm sorry -- the police officer's dashboard equipment. And then -- I -- I have the video here. There's a little button that shows exactly the moment that he turned his lights on.

THE COURT: All right. That I'd like to see.

Good ol' Barry Singer, provocative, argumentative and confrontational 'till the bitter end...

MR. JAMES STEWART: Fantastic. Thank you, Your Honour. And Jay Keating actually confirms this on his notes, that he doesn't turn his lights on, and he doesn't chirp until he's already entering the intersection.

THE COURT: That's what he testified to.

MR. JAMES STEWART: That's what he testified. And I don't ever recollect hearing a chirp. I don't see it in his notes. I don't -- see it in --

THE COURT: Well, just -- a moment.

MR. JAMES STEWART: -- his notes. I don't see it --

THE COURT: What is the -- does the video show that he turned the lights on, as he was entering the intersection?

MR. JAMES STEWART: Absolutely.

THE COURT: Well, then that's correct, that's what he said.

MR. JARVIS STEWART: He didn't --

MR. JAMES STEWART: Yeah, but how do I --

MR. JARVIS STEWART: -- he didn't --

MR. JAMES STEWART: Sit down, sit down. But my point is, we didn't see that driving through an intersection. How -- he's saying it's a traffic stop. I didn't -- we didn't see anything.

THE COURT: Well, but --

MR. JAMES STEWART: We're driving into --

THE COURT: -- well, he is --

MR. JAMES STEWART: -- a parking lot.

THE COURT: -- well, but -- but you're asking me not to believe him because you -- you just told me that he turned his lights on after you were in the parking lot. But, now, you're saying he turned it on --

MR. JAMES STEWART: No, no, no.

THE COURT: -- when he was -- behind you --

MR. JAMES STEWART: I never said that.

THE COURT: -- which is exactly what he said.

MR. JAMES STEWART: I -- I never said I didn't-- I never said he turned the lights on when we were in the parking lot.

THE COURT: Well, I misunderstood you then.

MR. JAMES STEWART: I said he was not trailing us.

THE COURT: I -- I misunderstood you then.

MR. JAMES STEWART: Okay. All right.

THE COURT: The -- the -- so -- so --

MR. JAMES STEWART: This -- this is interesting.

THE COURT: -- it's no different than what -- just sit down. (*Speaking to Jarvis*) You can't keep popping up like that. We don't even let lawyers do that. The -- what he testified was that as -- as you were turning,

he turned -- he switched on his -- his emergency lights and chirped. That's what his evidence was. And, now, you're saying that's what the video shows?

MR. JAMES STEWART: (No audible response.)

THE COURT: Is that correct?

MR. JAMES STEWART: No. The only thing I'm saying that the video shows is when he turned his lights on.

THE COURT: And is that --

MR. JAMES STEWART: There was -- there's --

THE COURT: -- and that's --

MR. JAMES STEWART: -- nothing shown.

THE COURT: -- at that point in time?

MR. JAMES STEWART: Sure, yeah.

THE COURT: Is that right?

MR. JAMES STEWART: (No audible response.)

THE COURT: I don't know because I never caught that, and it wasn't pointed out to me.

MR. JAMES STEWART: Okay, I think there's a bit of a miscommunication.

THE COURT: Yes. I -- I don't care what you saw. I'm -- all I -- all I want to know is -- is, does the video confirm what he said?

MR. JAMES STEWART: What did he say?

THE COURT: He said he turned them on as he was turning left into the -- into the Grosvenor Park Shopping Centre.

MR. JAMES STEWART: Okay. Perfect. Do you know what, I'm quite happy with that. So my next point-

THE COURT: Okay. All right.

MR. JAMES STEWART: -- is then -- how does he know that we knew that he was instigating a traffic stop? What was the effect of him pulling us over? There was -- like, there was -- there was -- like, my -- my brother was parking in a parking lot. Like, there was -- like that's what you do in a parking lot, you park. So we pulled over, not for the traffic stop. We pulled into the parking lot to park. He had a letter to get from the post office. We got -- I got out of the car. I was -- I got out of the car.

We were in a parking lot. I don't understand how there's a magical wand that a cop could come along and say that he could just chirp his lights, and immediately everything changes. I -- I wasn't even aware that he was going after us. And the next thing you know, we're in a parking lot, and he yells at us over the loudspeaker. And in his notes, he says that he directs to both of us. He never said anything about, "Man in the blue hat," "The man in the green shirt." He says, "Get back into your car, get back in your car right

now.” To who? He doesn’t say, “You in the red shirt,” “You in the blue hat.” He just says, “I directed my -- to both -- to both people.” How are we to even know that?

This is a man -- this is a man who then arrested us, and went right back to the car, had no intention, no business of even dealing with us. “You’re under arrest for obstruction. I’ve got business to attend to in your car.” It -- it -- we -- it proves on the video. The man had no -- he was sure that this was a drug score. He was sure that Jarvis was a bad person. And he took Jarvis down because Jarvis asked him some questions.

And like our friend Bryce, here, gets a little irritated when Jarvis asks some questions because Jarvis seems to know what the fuck he’s talking about. Pardon me. What he’s talking about. And it seems to me that a guy like Bryce shouldn’t really get agitated --

THE COURT: Just -- just --

MR. JAMES STEWART: -- as this -- is his job -- and then -- why then --

THE COURT: -- just direct -- your comments to me.

MR. JAMES STEWART: Okay.

THE COURT: Okay?

MR. JAMES STEWART: Then why then -- why then, if he’s getting agitated by someone asking him questions, I would think for a moment some big, giant gorilla like Jay Keating might get upset about getting some questions asked to him, too.

And I quite -- I find it quite appalling that Jay Keating has in his notes, “Explain, explain, explain, explain.” I don’t know how many times he has the word “explain” down. And he doesn’t seem to do a very good job of doing that. And that’s corroborated with all of his other cronies, who took the stand.

They don’t know what obstruction means. They don’t know what fighting means. The one man thinks fighting is when I’m lying on the ground with handcuffs, screaming. And he decides to take control of my head. I have him on the stand doing that. We have him thinking that fighting is me lying on the ground.

So how can we decide what obstruction is? when nobody seems to know? And how can we even distinguish -- decide that this is a traffic stop when we pulled into a parking lot? We weren’t being trailed by the cop. We had no idea.

THE COURT: Okay, let’s -- let’s just focus on what he said about you.

MR. JAMES STEWART: About me?

THE COURT: He said -- now, I don’t want to hear evidence. I want to hear what -- what you heard in the evidence. He said that you were circling around, clenching your fists, clenching your teeth, sweating. And you were yelling at him to fuck off and -- and words like that. That’s what he testified to. Now, tell me why I should or should not believe that.

MR. JAMES STEWART: Why you shouldn’t believe that?

THE COURT: Should or should not, yes.

MR. JAMES STEWART: Well, I’m -- I’m circling, walking around. I think what he said was punching and flailing. So I’m -- I think what he’s saying is I’m going this, and I’m walking around the parking lot.

THE COURT: I didn't -- I don't recall the punching and flailing.

MR. JAMES STEWART: It's in his notes.

THE COURT: But I don't recall --

MR. JAMES STEWART: It's all there.

THE COURT: -- him saying -- that on the stand.

MR. JAMES STEWART: His testimony said it, too. His testimony said -- it, too.

THE COURT: He maybe -- did. I'd -- I'll have to listen to it again.

MR. JAMES STEWART: So, do you know what, what you just said there, as far as what another man said about me, as far as you believing that other man, I can't tell you whether or not to believe me. I think that the man is a lying piece of shit. Personally, that's what I think.

THE COURT: But that's what I have to --

MR. JAMES STEWART: But as far as -- what he --

THE COURT: -- but that --

MR. JAMES STEWART: -- is saying, I don't necessarily see on that surface that why you would not believe him, except for the fact that he said this about other persons. A Pascal Martin --

MR. JARVIS STEWART: And lied about it in court.

MR. JAMES STEWART: -- and he lied about it. And he -- he held the man at the back of his car for ten minutes. It's -- it's in the case law. He held the man there for ten minutes, didn't say a thing to him, just held him there. "We're going to wait." He didn't say anything. And the judge even found that difficult.

MR. JARVIS STEWART: Human rights.

MR. JAMES STEWART: But it was absolutely nothing - there was no conversation between the officer and the accused for a good ten minutes. And so here is a gentleman, now, who seems to be quite irritated that he has to explain himself, and explain himself, and explain himself because we don't really understand what's going on. "Oh, no, that's it. Under arrest for obstruction. Go to the car." "Go to your chair. Go to the corner like a good little boy while we search your car." And that's exactly what they did.

And then, do you know what, we're not even going to deal with you at detention. We're going to keep working on your car. And then they even admitted an hour later, "Well, we found his identification in the box." I would have happily given him my name, if any of them had said, "Hey, we're from the Saskatoon Police Department. We're here to elicit a traffic stop. We think there's something wrong with your car."

Nothing like that was even said. These people are like pirates. They operate like mercenaries. They come up, and as soon as you ask a couple questions about what's going on, they take a very big offence to that. And then they get physically violent. And I did not - I did not find that very helpful when he put his hands on my brother. And I --

THE COURT: Yes. I don't want to hear evidence from you.

MR. JAMES STEWART: There's no evidence.

THE COURT: What I want to hear is why I should believe him or not.

MR. JAMES STEWART: He -- he said --

THE COURT: And you say I shouldn't believe him because of another case where he was -- the judge didn't believe him?

MR. JAMES STEWART: Well, that's one thing. I mean, you can -- you can -- I don't think you should believe him on the fact that it took him fucking 30 -- it took him 30 minutes to explain the three minute stop. We let him just prattle on the stand for a good -- I mean, check his -- check -- just check his testimony. He talked about one little situation where it was things like -- for a good 45 minutes, and the whole entire encounter, the whole entire encounter took less than four minutes. And that's when I was set upon by five men. And, oh, well, two jumped on and two jumped off. I don't know who it was, but -- you know, they testified. And so at any time, there was five gentlemen on top of me, but they're not really gentlemen, of course.

Where was Keating in all of this? Did he -- it's proven, he jumped on me, he took me down. And then what did he do? Instead of dealing with Jarvis or myself in the squad car, he went back to the car. It's all on tape. I apologize, Your Honour. It's been a very emotional seven months. I've never been beat up by police officers. I've never been beat up by five men before, and I've never struck someone and been charged with assault, and have it dismissed that quickly. On the day of trial, this should have all been taken care of months ago. I'm very dissatisfied with the entire police -- justice system, and it's been very difficult for me. Thank you very much for your time.

MR. JARVIS STEWART: Good job, bro.

THE COURT: I have to listen to the evidence again, and I have to review the cases that both of you have given me. And I'm going to have to -- which means I'm going to have to reserve today, my decision.

MR. JAMES STEWART: You're going to have to -- excuse me? I'm sorry, I didn't understand.

THE COURT: That means I have to reserve my decision, I have to put it off until I've had an opportunity -- to do all of that. I started last -- yesterday, going through the evidence. And I didn't get very far. I have a disc with all of the evidence, of -- of the recording of the evidence. And I'm trying to compare it to my notes and fill in the gaps, but I want to make sure I get everything just right before I make up my mind. It's going to take me a bit of time to do that. And I'm just going to -- if you just hold on a moment, I'm just going to grab my diary. I'll be right back.

MR. JAMES STEWART: Okay. (*It was more like, "Okaaaaaayy."*)

Jarvis and I just looked at each other, eyes-wide...

COURT CLERK: Order in court. All rise.

(COURT ADJOURNED)

-/-

There was an almost visible stink in the air. I'm pretty sure Jarvis and I snarled at one another in our attempts to whisper.

"These fucks are really going all the way." He whispered at me.

I whispered back, "All the way up our asses, bro, and around the corner."

(COURT RECONVENED)

THE COURT: This is close to my office. Hang on a minute. How about the -- Friday the 3rd of May, that's two weeks, are you available?

MR. JAMES STEWART: Yeah, I guess so, yeah. I can make myself available. This is probably the-- like, the 11th or 12th time I've been to court, not dealing with this, so, yeah, let's do it one more time. *sarcasm*

MR. PASHOVITZ: I'm available, yes, Your Honour.

THE COURT: All right, 9:30, this courtroom. Could you inform the trial coordinator?

MR. PASHOVITZ: Yeah.

COURT CLERK: Is it (inaudible)?

THE COURT: May the 3rd, yes. Thank you.

MR. PASHOVITZ: Thank you, Your Honour.

MR. JAMES STEWART: Which courtroom, Your Honour?

THE COURT: Eight, courtroom 8.

MR. JAMES STEWART: Thank you very much, Your Honour.

THE COURT: Yes. Thanks. I'd like a copy of the front page of the Informations. Thank you.

(END OF PROCEEDINGS)

Chapter 36 – Survey Says?

I can honestly say those two weeks after the conclusion of our trial, were probably some of the longest days of my life. Gruelling. Gut-wrenching. Second guesses of hindsight gnawed away at my heart and mind. The goblin-like *whatifs*, and the devilish *shoulda-woulda-coulda*'s hid in the closets and under the bed. Every time I closed my eyes, I felt like I should have said this, or could have said that. Sometimes I physically shook my head to stop the negative frequencies. *I should have done this or could have done that* slowly revolved in my head like a record. I found myself sucked into a negative downward spiral.

Self-doubt can be a killer. Just when I remembered some good things I had said, or done, I instantly flashed back to other moments where I was utterly disappointed in myself. I re-lived those three courtroom days and all the questions/answers until I gave myself headaches. Emotions ran amok. It was difficult to find an even keel. I felt like I was breaking down the plays as if I had just finished competing in some Championship Game. I was my own worst critic and zealous fan.

Many nights, I woke up, startled from a dream(nightmare?) where I was handcuffed in a cop car or standing on trial, stuck on the witness stand. However, through it all, we had Jake and Casper. They were always happy. Happy to see us. Happy to go for a run, walk, frisbee, bike-ride, truck-ride, belly rubs or whatever. Those two dogs were the BEST DOGS EVER. Period. Those two furry mutts probably saved my life.

The pure joy I felt from throwing the ball or frisbee or taking them on long walks to nowhere, or simply brushing them and giving them belly rubs, was immense. The physical act of simply spending time with them was beautiful. I even taught Jake to speak and whisper. He was the greatest thing to ever enter my life. The love those dogs had for me, and I for them, was better than any therapy. Every moment I spent with them was beneficial to my mood, overall sanity and physical health and well-being.

But, before either of us knew it, it was court day, yet again. Would it be the last?

On the morning of May 3, 2013, we did our best to quell our nerves and prepared to drive into the city. Soon, we were back at the courthouse for the 12th or 14th time... But who's counting?

By now, we were well known to the sheriffs and deputies manning the metal detector booth just inside the entrance. Once again, we left our machine guns, grenades, swords and missiles at home and simply brought our wits. Collecting our bags and re-attaching our belts, we prepared ourselves as best we could. Strangely enough, it felt like going to the principal's office.

Making our way to the courtroom, I stopped in a bathroom to grab some paper towels. My hands were now clammy and there was a buzzing in my ears. I could feel bad vibrations and negative energy pulsing from the fluorescent lights.

Or maybe it was the walls.

I did my best to take three deep breaths.

R. v Stewart, Sentencing
Saskatoon Provincial Courthouse
May 3, 2013 (Approx. 9:30a.m.)
Courtroom #8

(Excerpts directly from my criminal court transcripts)

Additional comments in italics included as my opinion/insight

THE COURT: Good morning.

COURT CLERK: You may be seated.

THE ACCUSED: Good morning, Your Honour.

MR. PASHOVITZ: Good morning, Your Honour.

THE COURT: Mr. Pashovitz, I may have been vague in what I was -- left you with last time. I -- I did say it was for decision today, but I think we also had a discussion about whether you wish to call any further evidence with regard to the overholding issue?

MR. PASHOVITZ: You did say it was for decision, so I did take some steps to send a request to the Saskatoon Police Service for some reports from the detention side of things, because, you know, I didn't call any of that --

THE COURT: Yeah.

MR. PASHOVITZ: -- as far as the actual substantive trial.

THE COURT: Right.

MR. PASHOVITZ: So we do have some disclosure for James and Jarvis Stewart as far as the reports from them, but I haven't subpoenaed any of those police officers here today because I'm just handing

over their reports now. Their reports do give me some comfort as far as if I was to call that evidence I would be able to even make a stronger argument about the fact that arbitrary detention has not been shown to have occurred here, Your Honour, but that's my position this morning, Your Honour.

THE COURT: Okay. Well, I may have left you without much of a- a chance to make that argument. (*Heh heh*)

MR. PASHOVITZ: Well, I guess, I'll cross that bridge when I come to it, Your Honour, so --

THE COURT: Well, I don't -- you see I don't read the -- I think the Salisbury case the same way you do. To me Salisbury does not say that I have to make a finding first before it becomes an issue.

MR. PASHOVITZ: Right.

THE COURT: I think what it says is that each case is, you know, we have to decide the process we're going to follow.

MR. PASHOVITZ: I appreciate that Your Honour, so

THE COURT: Yeah. And I'm not -- I don't think it was appropriate, in this case, to wait until there was a decision.

MR. PASHOVITZ: And -- and I appreciate your ruling then, Your Honour.

THE COURT: So well, maybe, do you want to make your argument with regard, then, to the overholding?

MR. PASHOVITZ: Well, I -- I believe I already did, Your Honour, but just --

THE COURT: Yeah, just remind me, because I --

MR. PASHOVITZ: I'll just refer to my notes, Your Honour. With respect to that, of course, we're familiar with Sections 497 and 498 of the Criminal Code, the case of the Crown and Salisbury, and those enumerated factors, among other things. And it was my review of even the evidence-in-chief, and on the night of the incident, the Saskatoon Police Service had reasonable grounds to believe that out of the same incident James Stewart and Jarvis Stewart were charged with obstruction of a police officer by failing to comply with lawful demands, as well, obstruction of police officer by interfering with a lawful arrest, and, also, a charge of assault and intent to resist arrest.

And it's 1 my reading of the cases that it's not for the Crown to second guess or to say what we would have done in the place of the police officers, whether they had grounds to hold them as they did. So when you look at the charges that they were facing, that's one reason to have held them overnight. And we're not talking about holding...

THE COURT: Why? That, I'm -- that, I don't understand. Why, when they're -- when they're facing those charges?

MR. PASHOVITZ: When they're facing those charges, as far as the totality of the circumstances, facing those charges, again, looking what the police officers had in their mind with respect to this investigation, it all started off with, according to Constable Keating -- and, again, it's not for me to second guess their decision, or to say what I would have done had I been the police officer, but it's to look and see what the police officers had in their mind on the night of the incident, what Constable Keating stated in his report.

And this is what would -- the police would have had in their mind on that Friday night, as far as deciding to hold them, to have a J.P. release them the next morning, is that Constable Keating was faced with two individuals who were saying, "We're not going to follow your laws, your laws don't apply to us." He was sworn at. He had to call for back up to have one of these individuals detained by back up police officers.

Did Bryce just say 'totality'?

THE COURT: But -- but --

MR. PASHOVITZ: So all of that would have been in their mind as far as saying we ought to tread carefully here.

THE COURT: But -- but didn't -- didn't he say he arrested them to determine their identity?

MR. PASHOVITZ: That's correct.

JARVIS STEWART: Yeah, whoops.

THE COURT: And -- and if I accept that, they knew their identity?

MR. PASHOVITZ: And that's -- if you accept that, and that's one of the factors.

THE COURT: Right.

MR. PASHOVITZ: Okay. Another one of the factors was the police, as they indicated, even the patrol constables were checking in to see whether the vehicle in question had been stolen or not. So they were checking into that as well too. And this was all occurring during the wee morning hours of a Friday night, Your Honour.

THE COURT: Seven o'clock? Seven o'clock?

MR. PASHOVITZ: Well, that's when the arrest was, yes. But we heard evidence that the police officers were dealing with these individuals over and over again throughout the night, coming and asking one of them about the identity of the other one of them. So those are other factors as well, too. Then we have in their glove box, I don't want to quote the names of the documents, but, basically, right to travel documents, which also indicate that, basically, we're sovereign individuals, we're stating that we don't need to have driver's licences, we don't need to register our vehicle.

That was in the police officer's mind as far as determining whether these individuals were going to follow any release conditions placed upon them by an officer in charge. And that's all under the umbrella of the initial allegations as far as obstructing a peace officer times two, assault with a resist to -- assault with intent to resist arrest of a peace officer.

THE COURT: Well, they seized the vehicle, right?

MR. PASHOVITZ: They did.

THE COURT: All right. So they're entitled to hold them to -- or, they're supposed to release them unless they have to establish the identity -- and they knew who they were -- secure and preserve evidence. And there's no evidence of them, you know, here. I mean, they have the vehicle, if that's what they need, and they have the licence plate, if that's what they need.

MR. PASHOVITZ: Right.

THE COURT: They have to prevent the continuation and repetition of an offence -- of the offence, pardon me, or the commission of another offence. And --

MR. PASHOVITZ: That's what I'm hanging my hat on as well, Your Honour. Again, when you're looking at a --

THE COURT: Well -- well, I don't know, as well, because I don't know I understand how the other ones apply even.

MR. PASHOVITZ: Well, and then there's the overriding consideration, as far as -- those are enumerated factors, but --

THE COURT: But they've -- they had those things in their glove compartment forever. Why, you know, I mean, this is the first we've heard of them being in trouble with the law.

MR. PASHOVITZ: With respect to that last clause that you'd mentioned, as far as preventing the continuation and repetition of the offence, we've heard what happened to Constable Keating on the night in question. As I argued before, this was just supposed to be a traffic stop. You had this happen the way that Constable Keating described, you have all these documents seized, you have the police reports full of references to, "We're not going to follow your laws."

THE COURT: But what -- what offence would they continue?

MR. PASHOVITZ: What offence would they continue?

THE COURT: Yeah.

MR. PASHOVITZ: Well, the concern --

THE COURT: Drive -- driving without a plate?

MR. PASHOVITZ: True. And, as well -- as well, there would be concern as far as appearing back before court. I would respectfully submit there's enough grounds for this Court to rule just on the evidence that was heard. If you have these individuals on the street saying, "We're not going to follow your laws, your laws don't apply to us." And this is all that we have to look at with respect to this matter, Your Honour, is what happened on that night, plus a glove box full of these documents. That would cause concern --

THE COURT: But --

MR. PASHOVITZ: -- as far as them abiding by any release documents, as far as them coming back to court when released by an officer in charge.

THE COURT: All right. I don't see -- I just don't get it. Sorry, it just doesn't seem to me how any of that changes, by holding them until the morning to see a J.P. and then them not getting released until later in the day.

MR. PASHOVITZ: Mmhmm, on a Saturday morning.

THE COURT: Yeah.

MR. PASHOVITZ: All right. I would -- well, Your Honour, it's -- I -- appreciate your decision.

THE COURT: All right. Yeah.

MR. PASHOVITZ: It's my position that when I'm faced with proving the elements of an offence, that's the witnesses that I called, I don't want to get too far into other evidence. But, I believe, if I was to call some detention individuals, which I think I ought to be able to do.

While I don't want to speculate, but I would anticipate that they would talk about the fact that there was no J.P. there by the time these individuals got dealt with. Friday night's busy, there may be a number of reasons, and I just don't want to ask the Court to speculate on that.

THE COURT: Well all right. Okay.

MR. PASHOVITZ: I would prefer to call those detention individuals.

THE COURT: I just don't see why they couldn't have been released by the officer in charge, or even given appearance notices once they ascertained their identity. That's -- this is an obstruction charge and an assault PO. And it's the only reason, I think, that they held them was to punish them.

Did he just say, "Punish them."?

MR. PASHOVITZ: Well, I -- I made my arguments to point out other reasons, Your Honour.

THE COURT: All right. Okay, thanks. Okay. I'm prepared to give my judgment today.

JAMES STEWART: You'll -- pardon me, sorry? *(I started physically shaking. I think it was a combination of nerves and rage...)*

Singer then went on to read his 14-page summation of the case. His ability to conveniently remember, forget and then re-create specific circumstances to his own liking was irritating, underhanded and downright painful to listen to.

THE COURT: The police vehicle was equipped with a car camera system. This system continuously records, but when a police officer activates his lights the system also saves the recording from a few minutes before the activation of the emergency lights until they are turned off. In this case we have a video showing 20 minute -- about 20 minutes of the camera's view. However, only a few moments are relevant. In addition, for some unexplained reason, the video is without sound.

Wow. No kidding?! The audio is missing...for some unexplained reason?! Who paid for the cameras? Who installed them? But, not important! Moving on...

THE COURT: My conclusion, with regard to the charge of obstruction: Constable Keating was there to issue the driver of the Celica a ticket for misuse of a licence plate. He could not issue the ticket with that - without ascertaining the identity of the driver.

He was acting within his duty when he conducted the traffic stop. He was clearly identifiable as a police officer throughout. He was acting within his duty when he asked the driver to provide his name, date of birth, or driver's licence.

THE COURT: Jarvis was obliged by the Traffic Safety Act to provide identification to the police officer. In addition, the law has been the same since 1978 that a person who is stopped for committing an offence, even a bylaw offence, where he has to be issued a ticket, must give his name, otherwise, he is obstructing the police officer in his duties.

THE COURT: When Jarvis Stewart failed to give his identification and moved to walk away from the police officer he was committing the crime of obstruction. Once it was determined that he was committing a criminal offence the police officer was in the execution of his duty by detaining him and charging him with obstruction.

THE COURT: The Criminal Code provides that a person may be kept under arrest in order to ascertain his identity, and this is exactly what happened here. As such, Jarvis Stewart committed the crime of obstruction. The police officer was well within his duty to detain him for that charge, in order to ascertain his identity. Therefore, there is no breach of Section 8 Charter rights at that time.

I admire the (unbelievable) convenience factor...

Them- "You have to tell me your name."

Jarvis- I did.

Them- "No, you didn't!"

Jarvis- Yes, I did.

Them- "Nope! No way! You didn't, because we made sure we erased the tapes so the audio doesn't exist. Thus, we can't hear you saying your name. So, that obviously means you didn't give your name, see? Guilty! Suck it, douche-bag! Go to jail, go directly to jail."

THE COURT: Similarly, the police officer was empowered to search a motor vehicle, as I indicated above, to ascertain the identity of the driver and registered owner. And that is exactly what they did in this case. There is no breach of Jarvis Stewart's right for unreasonable search or seizure.

THE COURT: However, I have determined that his right to counsel -- that his ability to contact counsel was obstructed by the police. Since there is no connection between the arrest of the accused and his inability to contact counsel the accused seeks a remedy under 24(1) of the Charter of Rights and Freedoms.

I -- I will address that matter once I have determined whether his right under Section 9 for unlawful detention -- that is overholding him for longer than necessary in custody -- have been breached, as well as the remedy if there is such a breach under 24(1) of the Charter is that -- is also under 24(1) of the Charter.

Wait, did he just say Jarvis was obstructed by the police? Oh, the irony...

THE COURT: James Stewart did not testify in this case. I have to analyze whether he committed the crime of obstruction by interfering with the lawful arrest of Jarvis Stewart based on the evidence that I heard. On the evidence of Constable Keating, James Stewart approached him in an aggressive manner, coming as close as a car length away on two occasions, when he was detaining his brother Jarvis.

On both occasions he looked to be aggressive, and the officer felt that he was being threatened. No words of threat were spoken, however, the accused, James Stewart was swearing and demanding the police officer let his brother go.

You have to analyze whether I committed the crime? Sounds to me like you may have some doubts?

THE COURT: Does this conduct amount to obstruction? Certainly, the actions of James Stewart made Constable Keating's job more difficult. They were dramatic enough that Constable Keating felt threatened. He was told on several occasions to get back, but kept walking towards the officer. He only finally walked away when he saw and heard the other police vehicle approaching.

THE COURT: On the other hand, I find it significant that even though James may have been walking towards him in an aggressive manner and swearing at him and demanding that Constable Keating let us go, my review of the evidence indicates that when Constable Keating told him to stop and get back he did.

The officer pressing charges, Keating, in his own words said he asked me to get back, and I did. How did I wilfully obstruct him?

THE COURT: He was never told that if he continued to come in the direction of the police officer that he would be charged with obstruction. Indeed, the first time we heard that in evidence is when Constable Keating advised the other two officers to arrest James Stewart for obstruction.

So much for any kind of warning...

THE COURT: That being said, however, having reviewed the case law (*What case law? Magical, mystical case law?*) it appears that whenever a policeman is doing anything in the execution of his duty, and an individual makes it difficult for the officers to carry out his duty, that individual obstructs the police officer. The essence of the offence is interfering with a police officer who is trying to carry out a lawful action. In this case James Stewart made the continued detention of Jarvis more difficult for Constable Keating. He was, therefore, guilty of obstruction. However, he too was held in custody much longer than necessary.

This is where I take a bow... Guilty of 'Obstruction'. Obstruction of what? Wilful obstruction? Obstruction of Justice? Obstruction of a peace officer?

THE COURT: I-- I believe that the appropriate remedy under Section 24(1) is that the breaches that I've found in this case apply to the sentence that's imposed. I'm going to proceed directly to that, because I think I -- I've heard enough to give a sentence, unless the Crown or the defence wishes to say anything with regard to sentence?

MR. PASHOVITZ: No, Your Honour.

THE COURT: Do you wish to say anything with regard to the sentence?

Sentence?!? Oh, so that means what? Are you trying to say something? Does he think we are guilty? Guilty until proven innocent? Wait, are we being sentenced now?

THE ACCUSED: No. (*We were looking at each other, eyes wide...*)

THE COURT: Okay. You're both being sentenced to absolute discharges.

THE ACCUSED: Okay...(?)

THE COURT: That means that you have no criminal record as arising out of these offences.

THE ACCUSED: Thank you, Your Honour.

MR. PASHOVITZ: Thank you, Your Honour.

THE ACCUSED: Thank you very much, Your Honour.

Good 'ol Stewart Brothers. Polite to the very end...

Chapter 37 – The Aftermath

I was under no illusions as to how ridiculous everything ultimately turned out. I never expected to get a fair trial. I hoped I would. I hoped people would do the right things, but I read somewhere that hope wasn't much of a strategy.

Regardless, how was this acceptable? Just bow my head, as if to give it merit, like some de-facto truth, fact or justice served? Was I considered a *legal retard* because I never used a lawyer? Is this what justice has become in Canada? The Crown could simply skirt the rules, use some bullshit legalese and mealy mouth their way around the truth and judicial codes of conduct?

I was frustrated and felt furious. I wanted to scream at the little bearded man swathed in his silly robes. It felt like a bad joke. Jarvis and I quickly gathered our things. I fumed. "It's over. Let's get the hell out of here. Fuck this place." But I said it loud enough so everyone could hear it.

"What a joke." Jarvis smirked loudly, shaking his head. "A complete, fucking joke."

We did our best to hustle out of the courtroom and the Provincial courthouse. We didn't even look at the sheriff's as we left. Slamming the exit doors open we breathed in some cold, fresh air. The sky was grey, like our dispositions, and we began walking to the far end of the courthouse parking lot, near 19th St.

My mind was spinning in thought and cloudy with emotion. I dug into my pocket and fumbled with my phone. I had to text some friends. Call my girlfriend and our parents. Tell everyone they found me guilty of a fraudulent charge. I was livid.

"Hey. Hey, bro..." It was Jarvis.

But I wasn't listening. I was on my phone, speaking to my parents, "It was a farce!.. Yes... We have to appeal this.... I know....Yes, its bullshit! All of it.....Right?!?!? Jarvis is right here... I am. I am calm. How calm would you be?!.... Yes. It's always different, mom....Uh-huh, yes.... You try dealing with these people! Its, b-"

'Hey bro, don't look now.'" Jarvis interrupted my phone rant.

"-bullshit-Huh?" I stopped.

Jarvis frowned and nodded his head. "Yeah, look. He's smiling right behind you. Over there."

Singer had followed us. He must have had a different exit, like a side door. He somehow followed us right outside. Right here, right now, he was standing in the parking lot of the courthouse, just past the main entrance. Like we were all getting ready for a football gameday, tailgate party.

I slowly turned. Jarvis was right. There was Singer, the beady-eyed, bearded midget himself. He was even smaller than I anticipated, even accounting for his booster seat behind the bench. He was wearing grey pants underneath that judge's black robe and some fluffy white shirt ensemble.

I couldn't help myself, and said sternly to my parents, "Guys, call ya' back." I put my phone in my pocket and growled to Jarvis. "Look how happy and smiling he is. It's like he kicked a winning field goal. Why is he out here? What is his deal...?"

'C'mon bro.'" Jarvis gave a tug on my arm. "Shit stinks. Something is up. Fuck this and fuck him."

I stood there, looking at the man. The great judge. His flowing robe. He seemed so animated. Jarvis was correct. Singer was 'over-the-top happy', was he about to meet friends and/or family? Maybe it was his birthday, and they were all going for dinner. Or they had tickets to Disneyland.

"Look at him." I seethed. "Look at him smiling. Just proud-as-punch, eh?! He wants to get confronted." I was openly staring now, feeling rather disgusted.

Jarvis inhaled and breathed a long exhale through his nose. "Can we go now?"

I turned around to face Jarvis, but he didn't wait for me. His shoulders were hunched. If his brain was a woodstove, great clouds of smoke would have been billowing from his ears. He walked west, away from the courthouse, past some parked cars and continued across 2nd Ave South and onto the other sidewalk.

"You know what, bro? Fuck that midget. I will appeal it." I said loudly, catching up to him.

"Don't even bother, bro. Fuck it. Guy's an asshole. Fuck him and his gay-assed robes. Fucking guilty? Fucking joke." Jarvis' head was down and he was quickly walking up the sidewalk.

"Jarvis, hey.. It's all good. Chin up, bro, seriously..." I tried to sound upbeat as I got beside him. "Look, we just defended ourselves in criminal court. Criminal court, bro. Like the belly of the beast."

I could feel myself trying to cheer him up. To no avail, he was off in his own headspace. Truth be known, we were both in an emotionally heightened state.

I continued anyway. “Hey, it’s over. It’s over and done with and we ain’t coming back tomorrow.”

He kept his head down as we took a right, walking north along 2nd Ave S., towards the Cineplex movie theatre.

I went on. “You did good. Real good. I’m proud of you, bro. Proud of us. Bolth of us…”

He stopped and smiled at me, but was dejected, like he’d just lost the big game.

He inhaled and looked skyward, “Honestly bro, I just don’t want to think about it right now. Any of it. Like you said, its bullshit. The whole thing was total bullshit.”

We stood there, in the middle of the sidewalk, between the parking lot and the theatre. The grey skies and cool weather seemed to close in around us, listening to our conversation.

I took a deep breath of my own. “I hear ya, bro. Not sure how I feel right now. Relieved? Happy? I’m still wired, a bit. Those people get on my nerves. Especially Bryce. But I think we did good, Jarvis. What more could we have done? Seriously, though, what could we do? Those fucks had it out for us from the beginning.”

I did my best to remain positive and went on. “Bro, it’s over. Its fucking over! We got all day.” I took another deep breath. “I’ll buy you lunch. I can stop on the way home for some beers? What do you want to do?”

Jarvis’ stone-face finally melted, and he cracked a bigger smile. “Well, I want to slap the beard right off that midget’s face.”

I laughed. “Haha. In the faaaaaace!!” I yelled out loud, my voice boomed over the theatre parking lot and nearby buildings. It felt good. I couldn’t help it. It was all so surreal.

“Haha! Faaaace!” Jarvis said it loudly, too. His eyes brightened and his back straightened.

I slapped him on his shoulders, “C’mon, let’s get outta here. I’ll buy us some beers on the way home. Then we can have a cold one while we play fetch with the *dags*. They’ll be happy to see us.”

He beamed, “Shit bro, them *dags* are always happy to see us. I’m not waiting till we get home. I’m fixing to crack a beer, stat.”

Jarvis was back to his old self.

We double-timed it to my parked Ranger.

Days turned into weeks as we waited for some official ruling. I didn't know what it was, a package or what I thought would be something with official letterhead or papers, (like a book report) but I figured I would know immediately once it arrived. Would it arrive in the mail or courier, perhaps?

Would it be called the judge's trial report? Would it come like a certificate, or stamp of approval or something with the judge's signature? I incorrectly assumed there would be a record of his judgement, like the verdict. Something resembling an official Provincial Court document. Some record of some kind. Any kind.

I honestly assumed it would include things like his notes, such as written observations, arguments, or previous legal justifications referenced. Basically, his reasons behind his decision. I expected an explanation for his findings, similar to, a thesis. Even the example, in math class, where you cannot just write down the answer; you must show your work. How did he arrive at his answer? Show your work.

Except, by Canada day, July 1st, we still hadn't received anything. No written decision from Singer. No letter or documents from the courthouse. No Royal Court seal-of-approval, like a stamp, or even a postcard. No written papers illustrating Singer's conclusions. No book report or math equations showing how he carried the five. Nothing we could use as reference for our potential appeal. We never even got so much as an email or simple, single-page, post-marked letter from the court. Nothing arrived. Nada.

After more weeks went by, we realized we wouldn't be getting an official record or statement from the judge, the courts or anybody. Can I say I was surprised? Yes, maybe a little. So much for Canada's *Open and Transparent Court System*, eh?

Some time in late July, or August, I made the off-hand comment to Jarvis, "I'd better start my appeal before they try and screw me over, due to some bullshit, like a time limit or some other stupid legal procedure..."

Weeks later, after submitting all the paperwork I could, minus Judge Singer's decision, my criminal appeal notice was returned to me. I was not entirely shocked. To sum it up:

*Too late Mr. Stewart. You cannot file your appeal. Provincial court permits 30 days to appeal. Should you seek to file an appeal in your criminal matter, you first need to file an appeal for **an extension of time**...*

Being the stubborn ass that I am, I decided to go along with the process and file my appeal.

That entire ordeal, by itself, is enough for its own book.

-/-

Months later, I reflected on whether I would write some letters of complaint about the judges and the crown prosecutors. In December, I read a letter of reply from the Judicial Council of Saskatchewan to a complaint letter Jarvis had submitted months earlier. It gave me new resolve. I would write to them.

My Judicial Council Letter

Law Society of SK (Judicial Council)
2nd floor, Court House
2425 Victoria Ave.
PO Box 5032
Regina, SK
S4P 3M3

December 31, 2013

Dear Ms. Rodie (and Judicial Council),

I feel compelled to write to you (and the honourable J. Popescul) in response to your letter dated December 19, 2013. Your letter was a follow-up on my brother's (Jarvis Stewart) original complaint, officially filed by your office, on or about, October 16, 2013. I am not sure the honourable Popescul understands the gravity of the situation. Nothing could justify my assault charges and yet, we were still forced to endure eight frustrating and emotional months that ended, in what can only be described as a charade of a criminal trial. When did anyone, at any time, anywhere, have the slightest bit of interest in what my brother or I, had to say?

From the moment we filed our official complaint at Saskatoon Police Service HQ on August 27th, 2012, we have been bullied, ignored, lied to, mis-informed and purposely stonewalled. I certainly believe this has been a continued, direct and flagrant attack on our rights. Our very abilities to receive all relevant facts and materials needed to defend our good name have been stymied. Surely, you were aware that Jarvis had instigated civil proceedings against Constable Keating, well before there was even talk of a criminal trial date?

I have included some pages from The Canadian Judicial Council's 'Ethical Principle's for Judges', which states, very specifically, on page 13, under the title, INTEGRITY:
Statement: Judges should strive to conduct themselves with integrity so as to sustain and enhance public confidence in the judiciary.

Principles:

- 1.) *"Judges should make every effort to ensure that their conduct is above reproach in the view of reasonable, fair minded and informed persons."*
- 2.) *"Judges, in addition to observing this high standard personally, should encourage and support its observance by their judicial colleagues."*

From what I am to infer from your letter of December 19, 2013, where you state, "The jurisdiction of Council is limited to dealing with those acts of a judge (things said or done) that have a potential (my emphasis) of being adjudged as misconduct or as rendering a judge incapable of discharging his or her judicial duties and functions."- is that judge Singer's behaviour is to be condoned..?

Presently, it now seems the supposed responsibility of a trial 'free-of-bias' has come to rest firmly on OUR shoulders. You must excuse me if I don't quite understand the rationale behind the following statement taken from the letter- "It is apparent that both you and your brother had the opportunity to express your concern for conflict, however, you both consented to the matter proceeding."

At no time did we consent to any of this. By simply not walking away from our case, I am left to conclude that Judge Singer's actions were a measured, well intended provocation. An antagonistic approach toward two self-represented individuals and a situation where assumptions were the order of the day. This entire pantomime, in my view, has been a cold, calculated, underhanded ploy at slandering us

and painting the Stewarts as criminals, in order to cover-up real criminal actions by certain members of the SPS.

I would like to direct you, again, to the Canadian Judicial Council's 'Ethical Principles for Judges'- page 48 Section E.13. *Consent of the Parties* - "*Commentaries on Judicial conduct acknowledges the practical difficulty of attempting to cure a concern about disqualification by disclosure to and consent of the parties. The main concern is that such an approach puts counsel in an unfair position - as one respondent put it, to either consent or to risk being seen as a trouble maker.*"

You invite my brother to comment on the apparent inconsistency of his complaints, yet, it is you who are inconsistent with your code of conduct. Is this not a worthy benchmark of professionalism? Forget the fact that Judge Singer was in direct and total violation of his professional duties by allowing his name to be associated with our case(s). The arrogance, or maybe it is insolence? displayed towards my brother and I, as far as I am concerned, is totally unacceptable.

Please focus your attention to another 'gem' of a principle. Page 46 from our favourite book, CJC's Ethical Principles, states-

E8. "*While these approaches introduce much needed clarity, it may come at the expense of attention to the general principle that a judge should disqualify him or herself if aware of any interest or relationship which, to a reasonable, fair minded and informed person would give rise to reasoned suspicion of lack of impartiality*".

Additionally, I have taken the liberty of including the generally agreed upon situations that define instant conflict-of-interest elements in judicial proceedings and the essential required degree of relationships. *The Code of Civil Procedure*, not only defines conflict-of-interests related to third-degree relationships, it also concurs they are grounds for immediate recusal of the judge. In addition, it states:

Chapter V - RECUSATION

Section 234. A judge may be recused in particular:

- (8) *If the judge has any interest in favouring any of the parties;*
- (9) *If the judge is the spouse of or is related or allied to the attorney or counsel or to the partner of any of them, either in the direct line, or in the collateral line in the second degree;*
- (10) *if there is reasonable cause to fear that the judge will not be impartial.*

To my eyes, I see compelling evidence of substantial judicial misconduct on the part of Judge Singer. However, I may not have as keen an eye for these things as others maybe do. As such, I am interested in allowing the honourable judge Singer a further chance to explain himself in light of these principles.

I am not one to deny a man the right to explain himself or his actions and/or decisions. In fact, I eagerly await, with great anticipation, your reply to me. I am quite interested in the ideas and thoughts behind your decisions. Thank you for your time and patience with this emotional issue.

Sincerely,
James Stewart

-/-

I never received a reply. So typical. Scratch another violated Charter Right off the list; **Any person charged with an offence has the right 11(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal.**

To conclude this chapter, allow me to introduce a crucial case in Canadian Law, courtesy of the Supreme Court of Canada.

Boucher v. The Queen, [1955] S.C.R. 16. The judgment of Kerwin C.J. and Estey J. was delivered by THE CHIEF JUSTICE, Ivan Cleveland Rand, who wrote:

“It cannot be over-emphasized that the purpose of a criminal prosecution is not to obtain a conviction, it is to lay before a jury what the Crown considers to be credible evidence relevant to what is alleged to be a crime. Counsel have a duty to see that all available legal proof of the facts is presented: it should be done firmly and pressed to its legitimate strength but it must also be done fairly. The role of prosecutor excludes any notion ‘of winning or losing’; his function is a matter of public duty than which in civil life there can be none charged with greater personal responsibility. It is to be efficiently performed with an ingrained sense of the dignity, the seriousness and the justness of judicial proceedings.”

Chapter 38 – Guilt Trip

Our criminal case (R. v Stewart) presented a unique example, potentially unmatched in Canada, for exposing the degree of corruption and conspiratorial activity performed by actors within the various branches of the System. This book, in-turn, presents a unique example, probably unmatched in Canada, for illustrating the hierarchy of these actors, the disdain they had for me, and their desire to bury my criminal case and flush my God-given rights down the toilet. How many thousands of hours and thousands of dollars were spent endeavouring to convict Jarvis & I and keep this story quiet?

Those bogus charges resulted from the unprepared but impatient, aggressor but victim, Constable Gordon James Keating. The way I see it, my three bogus charges were pinned against me, the next day, as a smoke screen. The tactic (*an obvious ruse?*) was to force my brother and I into a defensive position. The best defence is a good offence, I suppose.

You can't overlook the fact that numerous officers engaged in what could be argued as committing assault upon me, potentially, aggravated assault. These men proceeded to arrest me, strip me of my belongings and throw me in jail without medical aid nor allow me to contact a lawyer, among other things. All of this was undertaken and ultimately accomplished, so my brother could be found guilty and thus, held responsible for the supposedly *horrible* crime of 'Obstruction of a Peace Officer'.

By finding us guilty, it conveniently allows the courts to excuse all wrongdoing by the police officers, in the name of justice served. And who decides right or wrong? "*Sure, they beat you up, but it's totally justified. You're a criminal, after all...*"

To be blunt, to believe any part of their story, you must ignore my two separate charges- **270 (1)a: 'Assault of a Peace Officer'**. Two charges. Deux accusations. Zut Alors!

You would then have to ignore the series of unfortunate events and circumstances surrounding Constable Keating's employment with the SPS. Which includes reviewing three cases he was involved with. Namely, *R v Mertins (SK)*, *R v Arcand (SK)* and *R v Affleck (NS)*. All contain unplausible storylines regarding the recurring use of heavy-handedness, aggressive tactics, and excessive force.

Additionally, you would need to completely disregard the intentional failures of the SPS and the crown prosecutors to produce the evidence to prove a criminal offence even took place during the incident. To be clear, there is ZERO evidence, anywhere, that either one of us committed any kind of criminal offence.

Finally, there is the giant black hole in the Saskatoon Police Service's collection of evidence and their version of events which paints a much darker picture of conspiracy, concealment, and coverups:

- no witness statements
- no ICCS (dashcam) footage
- no ICCS (dashcam) audio from inside-car or outside-car microphones
- no individual officers' ICCS wireless microphone audio
- no detention desk/detention cells audio
- no "use of force" reports
- no witness statements
- no CPIC searches

Nothing, I repeat, NOTHING in the five officers' notes referenced their observations or directly described me allegedly committing these crimes. Jarvis and I were clean, sober, and uncompromised. Just as important- we were well within our rights to be doing what we did.

We were held accountable through an absurd, unlawful, and unpublished court ruling, courtesy of Justices Albert Lavoie and Barry Singer via the unfamous **Saskatoon Star Chamber**. Consider the **Saskatoon Star Chamber** as a "*kangaroo court*" with zero accountability, repercussions, or legal consequences for the conniving, sinister perpetrators. Call it justice justly served, with tongue planted firmly in cheek.

By writing this book, it was also my intention to highlight the parties involved and begin to hold them accountable. Exposure is a great start. This is my way to allow readers to see those people who played their part. Those defending the System, desperate to maintain the status-quo. I named the names and told my story in the hope to prevent further injustices like this from happening again.

Not stopping there, I have started writing my 2nd book, chronicling my civil lawsuit, at Court of Queen's Bench, against members of the SPS- for half a million dollars. You never heard about that case, either. So, pack your bags, we're about to take a guilt trip down memory lane. Last time I looked, this place was still called Canada, eh?

The court of public opinion will have the final word.

In my humble opinion, this was a deliberate attempt by actors in the System to put us through an unfair trial, cover it up and expect to get away with it- conveniently whitewashing their criminal actions. I will proudly claim, all the evidence was captured, in glorious full colour 4K video and surround sound, by military-grade, very expensive, PANASONIC In-Car-Camera-System state-of-the-art equipment.

How can I claim that?

Well, look at it this way- What evidence has anyone in the SPS or prosecutions provided, showing their expensive ICCS had any problems or weren't functioning correctly? Why did they not complete any paperwork? Where are the records for warranty issues or necessary repair work for all the alleged technical difficulties? How do you blame malfunctioning cameras if there was no paper trail documenting malfunctioning cameras?

I know the answer.

Crown prosecutors cherry-picked the ICCS evidence and more importantly, made sure my brother and I could not get any information or records via disclosure that could possibly corroborate our side of the story. It was simply one excuse after another- the multiple microphones for each individual camera didn't work, officer wireless microphones did not sync-up with corresponding cameras, cameras were not installed correctly, cameras were not turned on or activated, cameras were in testing phase and were prone to problems, or the usual, officers did not receive adequate training.

The list of excuses goes on, completely isolated, void of meaning and separated from reality.

Looking back, I am convinced Keating assumed my brother was a criminal, driving a stolen car or running drugs. Or all the above. I'm convinced the *ALPR-beep-beep* was the culprit. He heard the beep-beep, initiating his beast-mode power-up with kung-fu grip and sprang into action. Except, when he swung for the fences, he came up completely empty. *Whiff*.

Pants, meet ankles.

The reason I believe this, is because I watched the only dash-cam video of the event prosecutions office would release to us; the forward-facing video from Constable Keating's unmarked car #477. All side-facing and rear-facing video and ALL audio (from three separate microphones) was withheld from us. The original and only video was uploaded directly onto my YouTube page, unedited, here:

<https://www.youtube.com/watch?v=KrdJVginjaM>

Shortly after it begins, you will see a white patrol car carrying higher-ranking policemen arrive on the scene. A shorter man quickly exits the vehicle from the passenger side to survey the area and ask some questions. The driver exits, maybe says five words, then moments later, returns to his car and the pair abruptly leave. My suspicions were confirmed when Jarvis and I cross-examined the officers during trial. Some very interesting information came to light from those testimonies.

Constable Gordon J. Keating potentially perjured himself on the stand. Not to mention, him and Constable Brad McAvoy unlawfully entered Jarvis' Celica, presumably searching for contraband. Hoping for contraband! I'm convinced that Keating was convinced, the car was stolen, and we were trafficking in contraband- guns, drugs, Pokémon cards, etc.

By assuming we were committing a criminal act, and immediately acting on those assumptions, Keating and the boys' heavy-handed tactics would have been all too easily justified in a court of law because we would have been branded as criminals. And we all know criminals have no rights, right?

WRONG. Even criminals have rights. Well, in Canada they do. Yet, we were not criminals!

By removing the audio files from the ICCS dash camera recordings and blaming Bluetooth connections for their muted microphones, or pretending cameras were not installed, etc. the crown prosecutor's office and the Saskatoon Police Service committed a criminal act. With the assistance of a complicit media and the totally unaccountable Public Complaints Commission, not only was any evidence (favorable to me), removed entirely- the actors in the System attempted to slander us, by portraying my brother and myself as belligerent, violent Sovereign Citizens and hostile Freemen-on-the-Land Cult members.

It was really Judge Albert Lavoie's job, the PRE-TRIAL Mediator, to be a truly unbiased arbiter. It was his job to allow for the complete release of all materials related to the charges Jarvis, and I faced. It was his job to see the police were held accountable. It was his job to make sure I got the video AND audio that showed Jarvis giving his name and me getting assaulted. Instead, he seemed to revel in our frustrations.

The same can be said for Judge Barry Singer and his pompous attitude and courtroom demeanor. Not only did he enter pleas without our consent, but Justice Barry Singer never determined the admissibility of the evidence. As a judge, one of his tasks was to contrast the severity of the alleged crimes we committed against the seriousness of the charter violations upon us. By entering a *voir dire*, basically a trial within-a-trial, it was up to Uncle Barry to take some responsibility and determine the admissibility of all the evidence.

He needed to pull up his big boy briefs and make an adult decision. A decision encompassing all the evidence, in its totality (there's that word again). Whereby he then determines to keep all the evidence, or none of it. None-at-all. None. Which makes perfect sense, if you consider the crown does not get to cherry-pick evidence here and there and make up stories to how they suit them, but conveniently eliminate evidence that could exonerate an innocent man.

Not only did Singer NOT follow the guidelines as set out in Canadian Law, but he also never made a ruling before the trial proper via a written explanation of his findings. Specifically, his ruling on the *voir dire* was all supposed to be explained to us, in writing. Imagine that, eh?

Not wanting to repeat myself, but it certainly bears repeating- we got NOTHING. Nada. No audio. No video of my assault/beating. No written decision. Nothing with an official stamp that related to the judge's decision. We never got squat. Zip. Zilch. Rien. We never got an explanation for his reasonings. Not even an obscure reference to the supposed legal rulings he may have pretended to rely on. Not a photocopy, nor a post-it-note, or a napkin written with pen.

Nothing.

Chapter 39 – The Media

I felt the news and media were becoming unaccountable to Canadians. I started to look at the media as a controlled, powerful asset of the System. As such, it was unhindered from portraying false, artificial narratives, simultaneously withholding legitimate truths from the public. The news and media were engaging in *information warfare*.

Throughout this entire experience, I've come to learn the news and media were in direct opposition to Canada's transparent, open court principle. When it came to my story, the news and media were silent for a reason. The System could not handle exposure of the truth. There was far too much at stake.

Although I titled this chapter, 'The Media', Canada's open court principle is an integral topic that bears mentioning here. What can be said of truth or justice, if the transparency of our courts ceases to exist? Where does that leave Canadians? What good is the open court principle, if the media refuses to report court rulings or judgements?

Alas, my experience throughout the ordeal and subsequent inhuman treatment and attitudes I was a recipient of, has only cemented my confirmation that the System and those people willingly playing their part, cannot be trusted. But don't take my word for it. Highlighting the importance of open courts and the direct role of the news and media, I have included a lengthy portion of the judgment of Justices Dickson, Lamer and Cory., and their crucial, carefully crafted remarks below:

(Canlii.org) **Edmonton Journal v. Alberta (Attorney General), 1989 CanLII 20 (SCC), [1989] 2 SCR 1326**

"The issues raised require consideration of ss. 1 and 2(b) of the Charter. These sections provide:

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

2. Everyone has the following fundamental freedoms: (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.

Importance of s. 2(b) of the Charter and the Reporting of Court Proceedings

It is difficult to imagine a guaranteed right more important to a democratic society than freedom of expression. Indeed, a democracy cannot exist without that freedom to express new ideas and to put forward opinions about the functioning of public institutions. The concept of free and uninhibited speech permeates all truly democratic societies and institutions. The vital importance of the concept cannot be over-emphasized. No doubt that was the reason why the framers of the Charter set forth s. 2(b) in absolute terms which distinguishes it, for example, from s. 8 of the Charter which guarantees the qualified right to be secure from unreasonable search. It seems that the rights enshrined in s. 2(b) should therefore only be restricted in the clearest of circumstances.

The vital and fundamental importance of freedom of expression has been recognized in decisions of this Court. In *RWDSU v. Dolphin Delivery Ltd.*, 1986 CanLII 5 (SCC), [1986] 2 S.C.R. 573, McIntyre J., speaking for the majority, put the position in this way at p. 583:

Freedom of expression is not, however, a creature of the Charter. It is one of the fundamental concepts that has formed the basis for the historical development of the political, social and educational institutions of western society. Representative democracy, as we know it today, which is in great part the product of free expression and discussion of varying ideas, depends upon its maintenance and protection.

The importance of freedom of expression has been recognized since early times: see John Milton, *Areopagitica; A Speech for the Liberty of Unlicenc'd Printing, to the Parliament of England* (1644), and as well John Stuart Mill, "On Liberty" in *On Liberty and Considerations on Representative Government* (Oxford 1946), at p. 14:

If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.

And, after stating that "All silencing of discussion is an assumption of infallibility, he said, at p. 16:

Yet it is as evident in itself, as any amount of argument can make it, that ages are no more infallible than individuals; every age having held many opinions which subsequent ages have deemed not only false but absurd; and it is as certain that many opinions now general will be rejected by future ages, as it is that many, once general, are rejected by the present.

Nothing in the vast literature on this subject reduces the importance of Mill's words. The principle of freedom of speech and expression has been firmly accepted as a necessary feature of modern democracy.

There can be no doubt that the courts play an important role in any democratic society. They are the forum not only for the resolution of disputes between citizens, but for the resolution of disputes between the citizens and the state in all its manifestations. The more complex society becomes, the more important becomes the function of the courts. As a result of their significance, the courts must be open to public scrutiny and to public criticism of their operation by the public.

The importance of the concept that justice be done openly has been known to our law for centuries. In Blackstone's Commentaries on the Laws of England (1768), vol. III, c. 23, at p. 373, the following observation appears:

This open examination of witnesses viva voce, in the presence of all mankind, is much more conducive to the clearing up of truth, than the private and secret examination taken down in writing before an officer, or his clerk . . .

This principle has been recognized by the United States Supreme Court in *Gannett Co. v. DePasquale*, 443 U.S. 368 (1979). Stewart J., writing for the majority, said this (at p. 386, n. 15):

As early as 1685, Sir John Hawles commented that open proceedings were necessary so "that truth may be discovered in civil as well as criminal matters". [Emphasis in original.]

In the United States this principle is not restricted to hearings. The principle embraces the recognition of the existence of a common law right "to inspect and copy public records and documents, including judicial records and documents". See *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978), at p. 597.

In Canada this Court has emphasized the importance of the public scrutiny of the courts. It was put in this way by Dickson J., as he then was, writing for the majority in *Attorney General of Nova Scotia v. MacIntyre*, 1982 CanLII 14 (SCC), [1982] 1 S.C.R. 175, at p. 185:

*Many times it has been urged that the 'privacy' of litigants requires that the public be excluded from court proceedings. It is now well established, however, that covertness is the exception and openness the rule. Public confidence in the integrity of the court system and understanding of the administration of justice are thereby fostered. As a general rule the sensibilities of the individuals involved are no basis for exclusion of the public from judicial proceedings. The following comments of Laurence J. in *R. v. Wright*, 8 T.R. 293, are apposite and were cited with approval by Duff J. in *Gazette Printing Co. v. Shallow* (1909), 1909 CanLII 46 (SCC), 41 S.C.R. 339 at p. 359:*

Though the publication of such proceedings may be to the disadvantage of the particular individual concerned, yet it is of vast importance to the public that the proceedings of courts of justice should be universally known. The general advantage to the country in having these proceedings made public more than counterbalances the inconveniences to the private persons whose conduct may be the subject of such proceedings.

He then went on to discuss the application of that same principle to court records. He observed that Canadian law differs somewhat from the law of England which appears to take a more restrictive approach towards the publicity of documents. He said this at p. 189:

Undoubtedly every court has a supervisory and protecting power over its own records. Access can be denied when the ends of justice would be subverted by disclosure or the judicial documents might be used for an improper purpose. The presumption, however, is in favour of public access and the burden of contrary proof lies upon the person who would deny the exercise of the right.

I am not unaware that the foregoing may seem a departure from English practice, as I understand it, but it is in my view more consonant with the openness of judicial proceedings which English case law would seem to espouse.

It can be seen that freedom of expression is of fundamental importance to a democratic society. It is also essential to a democracy and crucial to the rule of law that the courts are seen to function openly. The press must be free to comment upon court proceedings to ensure that the courts are, in fact, seen by all to operate openly in the penetrating light of public scrutiny.

There is another aspect to freedom of expression which was recognized by this Court in *Ford v. Quebec (Attorney General)*, 1988 CanLII 19 (SCC), [1988] 2 S.C.R. 712. At p. 767 it was observed that freedom of expression "protects listeners as well as speakers":

That is to say as listeners and readers, members of the public have a right to information pertaining to public institutions and particularly the courts. Here the press plays a fundamentally important role. It is exceedingly difficult for many, if not most, people to attend a court trial. Neither working couples nor mothers or fathers house-bound with young children, would find it possible to attend court. Those who cannot attend rely in large measure upon the press to inform them about court proceedings -- the nature of the evidence that was called, the arguments presented, the comments made by the trial judge -- in order to know not only what rights they may have, but how their problems might be dealt with in court.

It is only through the press that most individuals can really learn of what is transpiring in the courts. They as "listeners" or readers have a right to receive this information.

Only then can they make an assessment of the institution. Discussion of court cases and constructive criticism of court proceedings is dependent upon the receipt by the public of information as to what transpired in court.

Practically speaking, this information can only be obtained from the newspapers or other media. (my emphasis)

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What is there to say about the media that I have not already said? Who owns and controls the media companies in Canada? Who decides what is newsworthy, factual, informative, or simply entertainment? Who is responsible for disseminating truth to the Canadian public? Who prints the scores of magazines? The various newspapers? Who produces the talking-head shows? The never-ending TV programming?

Throughout our westernized society, the ubiquitous TeeVee reigns supreme. Make no mistake, it's called *Tell-A-Vision Programming* for a reason. The TV is now a mindless plethora of talking heads, seizure-inducing bright lights, CGI images and sounds. All purposefully designed, and totally dedicated to keeping the public fearful, unaware, mis-informed, emotionally invested and unable to think clearly.

I was under no illusions; the specific purpose of the media was to cover for the System- to confuse, distract, obfuscate, and divide the people. Divide and conquer was more than a business term. It was like taking a page straight from Sun Tsu's "*Art of War*":

"We can form a single united body, while the enemy must split up into fractions."

Chapter 6. para 14

Throughout the entire process of creating my book, I have come to realize two very important things- One, there is an effort afoot, an effort by certain groups, to conspire, ignore, disregard, or completely nullify our guaranteed rights and freedoms, as Canadians, as humans. Second, the news and media companies in Canada were no longer independent, factual, truth-based, unbiased or accountable to their audience.

The average Canadian was being cheated, lied-to and kept in the dark. In my humble opinion, to trust the System, by "taking their word for it", is a direct path towards tyranny and oppression. Not everyone will see for themselves how they have been fully manipulated by the System and its media apparatus.

The importance of maintaining transparency in Canada's courts is directly related to the role and responsibility of the media. The primary function of Canada's news and media channels is to ensure the public is made aware of the results and lawful reasonings provided by the judiciary.

(*Canlii.org*) **Vancouver Sun (Re)**, [2004] 2 S.C.R. 332, 2004 SCC 43. The judgment of McLachlin, Iacobucci, Major, Binnie, Arbour and Fish, was delivered as follows:

A. The Parameters of the Open Court Principle

23 This Court has emphasized on many occasions that the "open court principle" is a hallmark of a democratic society and applies to all judicial proceedings: Attorney

General of Nova Scotia v. MacIntyre, 1982 CanLII 14 (SCC), [1982] 1 S.C.R. 175, at p. 187; Canadian Broadcasting Corp. v. New Brunswick (Attorney General), 1996 CanLII 184 (SCC), [1996] 3 S.C.R. 480, at paras. 21-22; Edmonton Journal v. Alberta (Attorney General), 1989 CanLII 20 (SCC), [1989] 2 S.C.R. 1326.

“Indeed a democracy cannot exist without that freedom to express new ideas and to put forward opinions about the functioning of public institutions. The concept of free and uninhibited speech permeates all truly democratic societies and institutions. The vital importance of the concept cannot be over-emphasized”: Edmonton Journal, supra, at p. 1336.

24 The open court principle has long been recognized as a cornerstone of the common law: Canadian Broadcasting Corp. v. New Brunswick (Attorney General), supra, at para. 21. The right of public access to the courts is “one of principle . . . turning, not on convenience, but on necessity”: Scott v. Scott, [1913] A.C. 417 (H.L.), per Viscount Haldane L.C., at p. 438. “Justice is not a cloistered virtue”: Ambard v. Attorney-General for Trinidad and Tobago, 1936 CanLII 385 (UK JCPC), [1936] A.C. 322 (P.C.), per Lord Atkin, at p. 335.

“Publicity is the very soul of justice. It is the keenest spur to exertion, and the surest of all guards against improbity”: J. H. Burton, ed., Benthamiana: Or, Select Extracts from the Works of Jeremy Bentham (1843), p. 115.

25 Public access to the courts guarantees the integrity of judicial processes by demonstrating “that justice is administered in a non-arbitrary manner, according to the rule of law”: Canadian Broadcasting Corp. v. New Brunswick (Attorney General), supra, at para. 22. Openness is necessary to maintain the independence and impartiality of courts. It is integral to public confidence in the justice system and the public’s understanding of the administration of justice. Moreover, openness is a principal component of the legitimacy of the judicial process and why the parties and the public at large abide by the decisions of courts.

26 The open court principle is inextricably linked to the freedom of expression protected by s. 2(b) of the Charter and advances the core values therein: Canadian Broadcasting Corp. v. New Brunswick (Attorney General), supra, at para. 17. The freedom of the press to report on judicial proceedings is a core value. Equally, the right of the public to receive information is also protected by the constitutional guarantee of freedom of expression: Ford v. Quebec (Attorney General), 1988 CanLII 19 (SCC), [1988] 2 S.C.R. 712; Edmonton Journal, supra, at pp. 1339-40. The press plays a vital role in being the conduit through which the public receives that information regarding the operation of public institutions: Edmonton Journal, at pp. 1339-40. Consequently, the open court principle, to put it mildly, is not to be lightly interfered with.

27 Furthermore, the principle of openness of judicial proceedings extends to the pretrial stage of judicial proceedings because the policy considerations upon which openness is predicated are the same as in the trial stage: MacIntyre, supra, at p. 183. Dickson J. found “it difficult to accept the view that a judicial act performed during a trial is open to public scrutiny but a judicial act performed at the pretrial stage remains shrouded in secrecy”: MacIntyre, at p. 186.

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As I stated before, had people merely done their jobs, played by the rules, or did some heavy lifting, my book would not exist. Had I been treated with respect and dealt with like an actual human being, like having the police provide medical attention, instead of pressing false charges and covering up evidence by basically DELETING said evidence, I would not have a story.

What was I to do?

One day, I made a phone call to the CBC office in Saskatoon and spoke directly to a reporter. His name was Dan Zakreski. We talked for almost an hour about Saskatoon, the police, the news-media and my story. I did my best to explain the ‘*incident*’ and he was gracious enough to listen to my observations, opinions, and concerns.

At the end of our conversation, he recommended I send him an email so he had something in writing he could discuss with his editor. It was his editor, he told me, who ultimately had the final say as to what got reported in the CBC news for Saskatoon and the surrounding areas. I thanked him for his time and the next day I sent him this brief email:

*Thu 2014-01-23 5:34 PM
dan.zakreski@cbc.ca*

*Dan,
Just wanted to drop you an email. I enjoyed our chat. I really appreciate you allowing me to get a bit off my chest..*

Anyway, Jarvis is my brother, and he has civil litigation that is ongoing. He is suing for numerous charter violations as well as a number of civil torts- namely false arrest, false imprisonment, assault, battery, negligence and others. I will also be suing.

We have GPS records of 10 SPS vehicles arriving, in emergency fashion, at the shopping mall/ Shoppers Drug mart parking lot at 7:00pm that evening, Aug 24, 2012.

*First two cars on scene were both unmarked cars.
1st car had video with zero audio. Oh and the video player that you watch the video with, was automatically muted...
2nd car had no ICCS installed at that time. (Strange how an unmarked car, on the front lines, has GPS but no ICCS...)*

The 2 'transport cars' that took us to jail did not have ICCS installed...

We were not given adequate disclosure by the crown and forced into a trial, we believe, to find us guilty and remove the 5 officers of any responsibility. The same 5 officers that testified on the stand they assaulted me.

Hope that gives you (and your boss) something to go with.

*Thanks again,
James*

PS:

*There are a number of formal complaints that have been filed by Jarvis and I with:
Saskatchewan Provincial Judicial Council (conduct of Barry Singer and Albert Lavoie)- the contact there is Marlene Rodie*

Law Society of Saskatchewan (conduct of Ritter, Hansen and Pashovitz crown attorneys- file numbers: 80-13390, 80-13391 and 80-13392)

Public Complaints Commission- File 12-061; Filed on August 27, 2012

Public Complaints/ Prosecutions- contact there is Lane Weigers

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I never heard back from Dan, or anyone else, at the CBC.

Chapter 40 – The Public Complaints Commission

The corruption that previously existed in Saskatoon, and continues to exist, is nothing short of disgusting. There are good reasons certain things like the wrongful conviction and prolonged incarceration of **David Milgaard** and numerous **Starlight Tours** and the freezing deaths of Indigenous native peoples happen in Saskatoon, Saskatchewan. What, if anything, has changed?

When the budget goes up, you would expect crime to go down. What is the percentage of the city budget allotted for police and courts? Methinks the tax paying public has paid too much. Certainly, the taxpayers of Saskatoon stopped paying attention and stopped holding ANYONE accountable a long time ago. But keep paying those ever-increasing taxes!

Through it all, the various players of the System, the Saskatchewan Ministry of Justice, the Saskatoon Police Service, their lawyers, the crown attorneys, the judges, the news-media, and others, have completely out-done themselves in their efforts to excuse, condone and cover-up the numerous wrong-doings and crimes of the police.

Forgive me for calling out the Whiskey and the Wild West, but Saskatchewan is still the land of Cowboys and Indians. How many back-room deals have been done? How many more covered up? *Wink, wink.* The System knows best. *Nudge, nudge.* Nothing to see here, folks. *Snicker, snicker.* Trust us.

For my brother and I, the events surrounding and proceeding the incident that fateful August evening, should be of utmost concern to ALL Canadians. A harmless encounter, which lasted mere moments, snowballed into the utilization of countless tax-payer monies, untold wastes of manpower and heaps of excessive, procedural litigation. Ultimately, the malicious and vengeful targeting of my brother and I, is a shocking wake-up call and embarrassment to any Canadian who still votes, trusts their government or thinks we can jump around in bouncy castles and “*HONK*” our way out of this madhouse of malfeasance.

Be that as it may, I can only speak about my experience in Saskatchewan. And within Saskatchewan, the city of Saskatoon. I'm not going to start citing crime statistics, but I am pretty sure *Saskatonians* pay some of the highest taxes yet suffer some of the worst rates of violent crime in the entire country.

The System uses the media to portray the Police as the good guy. The System invites the Police to our schools to talk to the children. "*Now children, remember, behave, obey, tell the truth and always do what the police tell you to do. Do as you are told. Do not ask questions. Do not think for yourself*". Early on, the children see this glamorization of the police and view dramatic first-responder crime dramas and VOILA! A society that is slowly, gradually conditioned to accept their slavery, servitude and subjugation.

The Saskatoon Police Service is a shining example, a confirmation, if you will, of the *Us-vs-Them* paradigm. For this lone city to generate more than half of all the complaints in the entire province is truly a testament to how backward, pathetic and uncaring the little grey town of Saskatoon really is.

Lie, cheat, steal and even kill...often with impunity. "Normal person" consequences need not apply here. For the SPS, and along with it, many police forces, officers' actions are somehow always justified. The System will find a way to shield its protectors. Justified! The System tells us so. The police are the *good* guys, after all. Didn't you know?

I will not go into detail about my experience with The Public Complaints Commission (PCC), except to say it is nothing more than a PR stunt- a veritable shield for law enforcement in Saskatchewan. In other words, a total farce. There is no legitimate oversight in the province- simply the illusion of accountability. A ruse, by any other name, would smell so sweet.

Which still begs the question- Who is policing the police?'

-SASKATOON STAR PHOENIX- Author: Thia James - Publish date: Sep 21, 2018

"Saskatoon Police Were Subject of Most Public Complaint Cases Opened in 2017-18"

Saskatoon police were the subject of 78 complaints filed to the Public Complaints Commission in 2017-18

"More complaints were opened with the Public Complaints Commission to investigate incidents involving members of Saskatoon's police than for officers in any other Saskatchewan municipality last year.

The commission received 143 complaints, 78 of which originated in Saskatoon between April 1, 2017, and March 31, 2018. Two of those were substantiated; 14 were deemed unfounded; four were withdrawn; and 39 have not yet been completed.

Another two cases ended with an informal resolution; in 18 cases, the circumstances were found either not to require investigation or the circumstances didn't support continuing the investigation, according to the report.

Of the two substantiated complaints, one involved an allegation of discreditable conduct and the other an allegation of uncivil behaviour or discourtesy.

The commission has expressed ongoing concern about inappropriate use of powers of arrest, and warrantless search and seizure and entry of homes in the absence of circumstances where there is a danger of serious or immediate harm.”

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The lack of empathy from the top down and their inability, or is it indifference, to control their own members' behaviours are probably one of the reasons why (then) Police Chief, Clive Weighill, resigned early. In October 2017, he walked away, leaving many months left on his current contract; ostensibly leaving to look for new challenges. Was it to save face, or was it for other reasons?

He soon resurfaced, however, in his new role as Chief Coroner for the province of Saskatchewan. Responsible for, among other things, conducting autopsies on citizens who are killed by members of the SPS. Who is policing the police? Or more specifically, who is covering for the police?

The System at one time or another, *used* to work. But it has been infiltrated, compromised, sabotaged, smashed into pieces and rendered useless. In large part, because the people currently reaping the benefits are the same ones preventing the necessary solutions.

I view most Canadians as soft, willing, unashamed victims of brainwashing. Canadians, as a society, exhibit many symptoms relating to the psychological disorder known as Stockholm Syndrome. To the best of my understanding, the syndrome can be described as a curious phenomenon in which hostages or captives begin to express empathy or show positive feelings toward their captors. Often, to the point of defending their captors or their mis-aligned ideals. Covid was a great example.

I asked Miles W. Mathis for permission to use an excerpt from one of his many well-written, thought-provoking investigational papers he routinely releases via his own website. Found here: <http://mileswmathis.com/stockholm.pdf>

The Stockholm Syndrome Goes Universal., by Miles Mathis. Published May 17, 2021

“I think what we have here is the continuation of a mass Stockholm Syndrome event, with most people adopting the psychology of their captors. Rachel Maddow at MSNBC admitted it: she said her brain would have to be rewired to not look on the maskless as sick and dangerous. Since the majority of people have successfully had their brain wired by TV, only TV can rewire them, and that will take time. It will take a period of brainwashing in the other direction, and that stage in history has not been entered yet. So most people cannot break their bonds on their own. They will need months of therapy to get back to 2019 levels of the syndrome...

.....I am already back to normal, since I never left normal. But I hate to say that I think with most people, normal may never return. Not for the reasons given by the mainstream media, but for other reasons entirely. They have allowed themselves to be

permanently scarred by this, simply by offering too little resistance to it. They can never look at themselves in the old ways again, because they can no longer pretend they are the rebels or freethinkers they thought they were. That “question authority” bumper sticker is off the car and can never go back on. All the woke liberals are finding out, or will soon find out, that they were neither woke nor liberal. This past year has been a worldwide test, and the failure levels were massive. Under pressure, we saw an amazing thing: the liberals acted conservative and the conservatives acted liberal. Meaning, the so-called left side of American politics utterly caved to fascism. They have loudly embraced censorship, speech limitations, and authoritarian dictats, and the main reason they did so, beyond being brainwashed under this Stockholm Syndrome, is that they enjoyed being petty tyrants, following illogical and ad hoc rules and enforcing them on others. It gave them a faux-power they had not been able to earn by genuine means, and it went to their tiny heads.

So, they will have to learn to live with that for the rest of their lives. They will have to adjust their self-images accordingly. But I predict that, rather than do that, they will simply huddle with those of their own sect. They can't really socialize with us anymore, since we have their number. In future, in just about any discussion, when push comes to shove, all we have to do is say something like, “wait, weren't you one of the ones who thought masks and vaccines were a good idea? Weren't you one of the ones who trusted WHO and the CDC and the NIH and Fauci? Weren't you one of the ones cheering when Trump—as standing President—got censored by Twitter and Facebook? Weren't you one of the ones who permanently damaged your children with masks, while pigheadedly claiming we were the dangerous ones? Weren't you one of the ones whose friends, neighbors, and family members dropped dead of the vaccine, or were maimed by it, while you stood by and cheered for it? Weren't you one of the ones who used to tell us what a great philanthropist and humanitarian Bill Gates was? Yes, I think you were. Which means your judgment is not worth sour apples”. These people could eat humble pie for a while and issue a blanket apology to the rest of us, but I don't think they are up to it. I predict they will find some way to dive into a deeper pit of denial, trying to keep some shred of self-worth by externalizing all negatives. They will find some twisted way of confirming that they were right and we were wrong, despite all evidence to the contrary. In short, they will take refuge in that most disgusting and debilitating of human frailties: hating those who were right, only because they were right.”

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More than a year AFTER the conclusion of our criminal case, we received a letter in the mail. Lo and behold, it was our not-so-good buddy, Robert Mitchell, chairman of the PCC. He had finally concluded his lengthy “**Review of the Investigation**”.

August 26, 2014

Our file: 12-061

Dear James and Jarvis Stewart:

The review of the investigation into your complaint against the Saskatoon Police Service is now complete. The investigation was conducted by a Public Complaints Commission (PCC) investigator independent of the Saskatoon Police Service.

Your complaint relates to the action of Saskatoon Police Service officers who arrested and detained you as a result of a vehicle stop about 7:00 p.m. on August 24, 2012. You allege that officers unlawfully arrested you, assaulted you by using excessive force and failed to promptly provide you your right to contact legal counsel. During the course of the investigation you co-operated by providing information by way of an initial statement, a detailed statement to the PCC investigator and other submissions and correspondence.

The 5-page letter then goes on to basically repeat, or re-write, the police officers' notes and re-write the entire narrative of the **incident**. His pathetic, spineless report (like himself) concludes as follows:

Although you claim that you were calm and reasonable throughout, on a balance of probabilities, your efforts were to distract the officer's enquiries, in part, by challenging legal authority governing licensing of vehicles and drivers, which rose to the level of obstructing the officer. Section 25(1) of the Criminal Code authorizes a police officer to use as much force as necessary to accomplish her/his duty, provided that s/he acts on reasonable grounds. I am satisfied, as were the learned trial judge and the prosecutor, that the officers' actions were within these bounds. It is regrettable that James may have received minor injury during the struggle, at the same time there is evidence some of this may have been inflicted by his own actions.

The court judgement referred to possible deficiencies in the telephone equipment and the duration of detention. There is no evidence or reference to suggest this reflects misconduct by the arresting officers or another police officer. The court took action to redress the finding of a Charter infringement in respect to the duration of your detention. The Chief of Police is responsible for the administration and management of a police service, which would include facilities and processes for handling persons in custody.

I conclude that improper action by the officers is not supported and therefore no reason to invoke discipline to The Municipal Police Discipline Regulations, 1991.

Yours truly,

*Robert W. Mitchell, Q.C.
Chair*

cc: Chief of Police, Saskatoon Police Service

A month later, October 1, 2014, Robert W. Mitchell (fart-sniffer) shamelessly slithers away, quietly retiring from the PCC. He is replaced by Brent Cotter.

Chapter 41 – Conspiracy

They were breaking the rules. Unsurprisingly, what I experienced with judges Albert Lavoie and Barry Singer was nothing short of a free lesson in the violation of many of my rights, especially during the criminal trial itself: Charter Right (11d): *presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal.*

My experience throughout this ordeal and the unhuman treatment and attitudes I was a recipient of, has further confirmed to me that I will continue to stay untrusting. In my humble opinion, to trust these actors/players within the System, to take *'their-word-for-it'*, or expect their empathy, is a simple recipe for your own misery or worse, enslavement. Worse yet, a steady diet of soy and bugs.

The increasing power of police, the courts and more specifically, the judges is no accident. To me, judges are one of the greatest threats to Canada's society. Judges in Canada have become untouchable. The System has meticulously created the perfect backdoor for itself. Now, judges firmly stand at the end of the line. They are neither voted-for or vetted-in, by their host society, yet, unironically hold the fundamental rights of her inhabitants and adjudicate their very freedoms behind closed doors.

Judges, like the police, are fundamentally unaccountable to Canadians. They have become an enemy of the very people they allegedly swore an oath to protect. What good are the guaranteed rights of a citizen in his own country, when all levels of the judiciary cease to uphold the fundamental tenets of law, truth, and his individual liberties?

By the fall of 2013, I was fed up with crown lawyers and their clerks along with the entire legal system and appeal process. I suffered mood swings and had some bad days when I crawled through some dark thoughts, but numbingly pounded away at my application to appeal (for more time). I was still working a plumbing job and putting in my apprenticeship hours towards my Red Seal/Journeyman. I was still scratching my head about vent stacks and stack vents and just trying to live my life.

When I felt inspired, I would read about criminal court and Canadian law cases, or the various rules and the appeal process. If you think that sounds boring, just imagine trying to grind through it all- in the face of such obstacles! Unpleasant as it was, invariably it would lead to frustration and headaches. Whereby I would quietly search for the closest sleeping Jake or Casper and administer to them a healthy dose of belly rubs and snuggles, to soothe my mind and soul.

On a bit of a personal note, growing up, our father made us look up words in the dictionary. My brother and I would be given a set of words, usually weekly, and we were to each use this giant tome of a dictionary, The Funk & Wagnall. It was a beast of a book, with over a thousand pages. It was up to us to carefully write these various words and their definitions down in our best handwriting. No spelling mistakes. Clean prose. No *'correction-fluid'*, either.

The reason I bring this up, is because as much as I detested that grey hardcover Funk & Wagnall, it made me aware of the power of words. The power to explain yourself to others. To convey to others your ideas, serious ideas, not simply to be heard, but understood. As I alluded to at the beginning of my book, we are being used, perpetually exploited, with words. Have you ever wondered why your name is in all CAPITAL letters on certain bills or certificates? The power of words = sword.

All of this coincides with the rabbit-hole of Black's Law Dictionary and the System's exploitation of the duality of the English language. Suffice it to say, a language using words with multiple meanings, by necessity, should require a dictionary for the true meaning of those words. The spelling of words is important. The magic of words is real because words cast spells.

Without getting too specific, if separate parties are tasked with examining the truth or finding facts or something of importance, all parties involved will need to know the meaning of the words. The parties need to have a commonality, a framework, if you wish, as to be able to effectively communicate. They need to start from the basis of truth. Thus, using a dictionary of Law allows all parties to maintain a common language, to better elucidate their grievances, perhaps, to an arbiter.

However, I felt Black's Law dictionary was better suited for people who wanted to be sovereigns and live like pioneers, living off the land. I considered myself a Nationalist, a patriot who loved Canada. It was a great place to live, but I was growing tired of the increased government interference. I typically reached for my Oxford Canadian reference dictionary. One day, while flipping through it, I noticed a set of five words. The moment was too special to be treated as merely inconsequential. The words resonated with me. Little did I know how serendipitous they would ultimately prove to be. Tucked near the top of page 166, those five words, in order, were:

conspiracy *n.* (pl. **conspiracies**)

- 1** a secret plan to commit a crime or do harm.
- 2** the act of conspiring.

conspiracy theory *n.* a belief that some covert agency is responsible for an unexplained event.

conspire v. (*conspired, conspires, conspiring*)

1 combine secretly to plan and prepare an unlawful or harmful act.

2 (of events or circumstances) seem to be working together esp. to bring about an unfortunate result. **conspirator n. conspiratorial adj. conspiratorially**

constable n.

1 (in some countries) a police officer of the lowest rank.

2 an officer of the peace with minor judicial duties.

constabulary n. (*pl. constabularies*)

1 a police force.

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Conspiracies, and the theories (*facts*) behind them, certainly do exist! Should you need any more proof of this, the Government of Canada itself, recognizes the threat potential directly. These laws were set in place because of the distinct possibility for criminality to occur. The System knows this all too well, because the System itself, in part and parcel, is the greatest conspiracy of all time.

Please see: The *Canadian Criminal Code*.

Conspiracy

465 (1) Except where otherwise expressly provided by law, the following provisions apply in respect of conspiracy:

(a) every one who conspires with any one to commit murder or to cause another person to be murdered, whether in Canada or not, is guilty of an indictable offence and liable to a maximum term of imprisonment for life;

(b) every one who conspires with any one to prosecute a person for an alleged offence, knowing that they did not commit that offence, is guilty of

(i) an indictable offence and liable to imprisonment for a term of not more than 10 years or an offence punishable on summary conviction, if the alleged offence is one for which, on conviction, that person would be liable to be sentenced to imprisonment for life or for a term of not more than 14 years, or

(ii) an indictable offence and liable to imprisonment for a term of not more than five years or an offence punishable on summary conviction, if the alleged offence is one for which, on conviction, that person would be liable to imprisonment for less than 14 years;

(c) every one who conspires with any one to commit an indictable offence not provided for in paragraph (a) or (b) is guilty of an indictable offence and liable to the same punishment as that to which an accused who is guilty of that offence would, on conviction, be liable; and

(d) every one who conspires with any one to commit an offence punishable on summary conviction is guilty of an offence punishable on summary conviction.

-/-

The System with its arms/branches is made of many parts: big-military, big-banks, big-media, big-pharma, big-tech, etc. It appears complex in design, yet these parts are simply people. People who willingly, unwillingly or unwittingly continue to pull the levers and push the buttons. They play their various roles, in order to get paid their various salaries, like the good and bad actors they are. The higher up, the more they benefit, free from consequences and sequestered from shame.

The System, at one time, may have been good. It may have been forged in truth & justice and right & wrong. But gradually, the accountability has been removed. We've been cheated, bamboozled and hoodwinked. All by design. The game is rigged. It is no longer some outlandish conspiracy. I experienced threats and intimidation, police aggression, confrontational judges, obtuse clerks and uncaring administrative staff.

Our courts and judges are the opponents of our human rights. They are no longer our protectors, nor offer any guarantees. The System, by design, utilizes the courts as an adversarial mechanism. Natural Law has been re-written. These elitists and zealots comprising the top levels of the System have safeguarded themselves through mountains of legislation and an army of brainwashed proles for their own benefit. The same people preventing the much-needed repairs to our shredded social fabric are, sadly, reaping the greatest rewards.

Months later, we had totally forgotten that Jarvis applied to receive copies of our court file. Until then, we had not received any court documents or Judge Singer's written decision, or anything. Nothing. We did not know of any other options available. The truth was, there were no other options. Especially when the System plays dirty! Delay, demur, deny. Another of the typical roadblocks the System graciously deposited on our path.

Then, one day, out of the blue, we received a large brown paper (inter-department-style) envelope. It was stuffed full of 8x11 and 8x14 papers, barely kept together by the thin red waxy cord securely wrapping it shut. It was the court file. More specifically, OUR court file. We couldn't believe it. We were surprised they sent us anything at all! It was immense and took some time to unpack and inspect. Among the large stack of documents and notes contained in the bundled package, we came across the paper below.

We couldn't decide if it was a gift from God, like our own guardian angel looked down, or simply a massive mistake on their part. Maybe both? Bolth. It completely vindicated us and exposed the conspiracy against my brother and I from the very start. I still didn't have any audio, but this was a bonus!

I consider it the cherry on top, or perhaps the nail in the coffin. Maybe both?

Bolth.

Judge Singer,

Here is a bit on Jarvis' matter. Still looking into James'. I'm off Friday and next week for CPLED. I want to do more on this though so I will try + pop in while I'm of. Please feel free to communicate with me via email.

Also - R v. Lavin (1992) 76 C.C.C. (3d) 279 talks about wilful obstruction requiring some positive act or omission to do something which one is legally required to do. (For James').
 ? Jarvis.

I want to get you cases for James. If it can wait till I get back from bar course in 1 week let me know. If not I'll see what I can do while I'm gone.

- Victoria

I hereby certify this to be a true and correct copy of the original.
 Dated this 26 day of Nov. A.D. 2013
 at Saskatoon, Saskatchewan

Megan Smelland
 Clerk of the Provincial Court in and for
 the Province of Saskatchewan

Upon reflection, writing this book has been a blessing. I consider it my canary in the coal mine. Maybe my Waterloo. The System needed me to see things a certain way- it's way. The only way. But I saw things differently. I looked at things not just with my eyes, but with my heart and my guts. Ultimately, my search for truth came at a cost, but it was a price I was willing to pay. I finally let go of the instilled dogmas and childhood fears which the System so desperately needed me to believe in. Or was it my Ego?

Maybe both?

Bolth.

Conclusion

This book you are reading is not what I originally envisioned. None of this was easy or straightforward. Writing this book was the hardest thing I have ever done, simply because of everything that went into it. There were good and bad days, and moments where I had no words. If you made it this far, I hope you could relate to my struggles and frustrations. Clichéd as it may sound, we are all in this together.

The genesis of my thought process going into this book was all about accountability and responsibility. In a way, it felt like the Canadian thing to do. It came naturally to me, like an automatic, reflexive action. Standing for my rights. People died for those rights, or so the System told me. The System told me good, brave Canadian men died many miles away, in the mud, for my rights. So, naturally, I had some (misplaced) confidence in Canada's scales of justice. A quiet inner courage, unafraid to push back against adversity. Or so I thought.

Naïvely, during the timeline of events surrounding this book, I assumed someone, ANYONE, would catch wind of this and focus some attention on the *Incident*. Someone, somewhere, with similar principles and ideals might come knocking, to see that justice was done and ask the hard questions. I erroneously surmised the supposed '*legal experts*' or *influencers* would view my situation as an excellent opportunity for exploring real solutions. Especially to what I considered glaring, potentially wide-spread, systemic problems. Little did I know, it would become a tiring, lonesome crusade.

This decade long journey of honoring my principles, slowly morphed into '*Stew*' vs. '*The System*'. The same System within which I was raised, mind you. The same System I acquired a license to drive a car and get my Social Insurance Number. Do you think it is a freak occurrence we call it a S.I.N. Card? Oddly enough, it is the same System my parents blindly trust and continue to believe in. Hence, why they still suffer emotionally invested problems when dipping their toes into this tidepool of reality, otherwise known as my book. They still can't see. Maybe it's a Boomer thing.

Nevertheless, writing this book helped me in many ways. At the very least, I turned a negative into a positive. I told myself I was going to write a book about the whole fiasco, and I did just that. The *Incident* allowed me to see the inner workings of the System, up close. It is my sincere hope that someone reads this book from cover-to-cover with an open mind and uses their own discernment, finding a foothold somewhere before embarking on their own extraordinary journey.

To be fair, many times I had nightmares and self-doubts. Oftentimes, throughout the entirety of this tale, I felt prolonged periods of powerlessness. I too, felt as though I should just follow the rules. Everyone else is doing it. The rules are in place for a reason. Pay your taxes. Trust the experts, trust the science, the doctors, the courts, the government, or the cops. Do what I was told.

When you look closely, the System has done an exceptional job in creating an uninformed, uninterested, and uninvolved Canadian populace. A country's social stability largely relies on its legal system. A system is only as good as the average citizens' ability to navigate it. I have read about people becoming self-represented litigants because they could not possibly afford \$250-\$300/hr lawyer fees. This is no joke.

Something, therefore, must be said, about Self-Represented-Litigants (SRL's) and the average Canadian's ability to defend themselves in a court of law, including family law, or a civil lawsuit. When the average person cannot comprehend the purposefully absurd complexities of the legal system yet cannot hope to possibly pay the exorbitant fees currently charged by lawyers, that system becomes unbalanced and grossly unfair. The System knows you have the right to defend and represent yourself. So did I. Which was another reason they disliked me. Which brings me back to costs- namely, time and money.

Consider a self-rep having to take time away from work, to attend court. Do you take time off work to fight a speeding ticket? Imagine, having a respectful job, getting paid approx. \$35/hr and then attempting to pay someone \$250/hr, to read/write/speak a handful of magic words, that you won't hear, because you're at work. The legal profession isn't complicated, it's just words. Fancy words and fancy robes. Black and white robes- black and white like a Masonic temple floor.

Ask anyone about the costs involved with court. Writing this book did not come without a price. These days, the legal system could be viewed as an extortion racket. It assuredly got plenty of my money! The prices for magic words. Imagine if I could install gas and water lines using magic pipes? No leaks! No broken pipes! Never a need to come back! Magic pipes. Like Velcro, but better. Because science. I mean, magic.

Magic pipes and magic words don't ever leak, or freeze, or clog and fill your basement with raw sewage. True story. The media, lawyers and politicians love their magic words, don't they? What did I say last chapter, words cast spells? Magic Words. That's all they are. Magically expensive words.

How much would you pay to install magic pipes in your house? I think it should be the other way around- the skilled tradesmen like plumbers, carpenters, and electricians, etc. get paid \$250/hr and lawyers and politicians should scrape by on minimum wage. And bake sales. But hey, that's just me. I build houses, though I'll never live in one. Not here in Canada. But I'm rambling. That's a topic for another book.

I learned to see with my eyes closed. It sounds strange, until you start practising it. Think of the term, "Trust your gut instincts". It is one of my greatest hopes, that perhaps after reading this book, someone closes their eyes and sees things in a different view. Maybe they, too, finally see for themselves the fear and manipulation built into the System. I have heard it said, "*Real eyes, realize, real lies.*"

Surprise! Once seen, I could not unsee. Human rights for the Canadian people and the hallowed Rule-of-Law have seemingly been abducted, rather abruptly, I might add. Only speaking for myself, I was disrespected, ignored, and ridiculed. To best explain how guaranteed rights work- appropriately, the words delay, demur, and deny still ring true today as they did back in 1885. I was concerned about the power of police 10yrs ago, it would be foolish of me to not mention how police across Canada are behaving more brazenly, including utilizing horses, while politicians continue getting pay raises.

Eventually, everyone decides where they draw their own line of self-respect. Where do you draw the line or stand up for yourself, dear reader? I will close with how I opened. Thomas Aquinas allegedly said, "***He who is not angry when there is just cause for anger is immoral***". I stood up for what I believed to be the truth. I stood up for my rights.

The reason I have a story is because unCanadian people broke the rules and trashed my rights. The reason I wrote this story is because I believe good people died defending those values and rights. What are rules

without accountability? What is a guaranteed right without the responsibility to defend it? Are we not accountable to the truth?

The truth does not have multiple, conflicting versions of events. The System's players, and their co-conspirators cannot continue to ignore this, kicking the metaphorical can down the road and running away from the truth, forever. Although, they desperately continue to try!

Actions have re-actions, and certainly some actions have necessary consequences. In this book I cited court cases and published some damning records and personal documents. I wanted to bring as different a perspective as I could. To be honest, I hoped my book would set the record straight or potentially lead to recovering the missing audio from that evening. I hoped someone in a related field would read my book and become inspired to investigate things. I know hope is not a strategy, but I will always carry a micron of hope and continually believe the ICCS recordings still exist and they are stored somewhere, out there on *ze netverk*, waiting to finally prove, once and for all, my brother and I were completely innocent.

The End



APPENDIX A

JUDGE BARRY SINGER'S 'UNWRITTEN' DECISION



Ministry of Justice and Attorney General
Court Services
1010 - 1874 Scarth Street
Regina, Canada S4P 4B3

February 24, 2021

Jarvis Stewart
bigredmachine1978@gmail.com

Dear Jarvis Stewart:

I write in response to the numerous email messages you have sent the Ministry of Justice and Attorney General and others over the last few weeks. You have requested that the information about your criminal matter be reported on www.canlii.org and the Law Society of Saskatchewan case law database.

Only written decisions issued by the Court are placed on Canlii or the Law Society case law database. Judge Singer's decision in the criminal proceeding you are referring to was issued as an oral decision, and as such, does not exist as a court document or constitute a written decision. In this instance there is no written decision to be published.

There is nothing further that I, nor my colleagues, are able to do to assist you with this matter. As such I will not be responding to future correspondence in this regard.

Yours truly,

A handwritten signature in blue ink that reads "J. S. Turner".

Jan Turner
Assistant Deputy Minister

cc: Honourable Gordon Wyant, Minister of Justice and Attorney General

APPENDIX B**Case Management (Transcripts) w. Judge Lavoie**

*From: James Stewart <james_d_stewart@hotmail.com>
Sent: Monday, December 7, 2020 2:43 PM
To: Transcript Services JU <transcript.services@gov.sk.ca>
Subject: Case management transcripts- Justice Lavoie (2012-2013)*

Hello,

Please use this email as formal demand to obtain the case management sessions between the Stewart Brothers and Justice Lavoie on the following dates:

September 25, 2012

October 16, 2012

November 8, 2012

Jan. 23, 2013

March 7, 2013

As these hearings took place for charges filed by the crown against my brother and myself, it is imperative that these records be released to me in printed or electronic (.pdf) form.

These records are legally and lawfully owed to me as I was forced to endure false charges against me by the crown. Canada's open and transparent court system relies on the honesty and integrity of people such as yourselves. Further, I know these court transcripts exist and have been made available to 3rd parties.

Thank you for your time and attention to this very serious matter.

I look forward to your reply.

James

-/-

*RE: Case management transcripts- Justice Lavoie (2012-2013)
Transcript Services JU <transcript.services@gov.sk.ca>
Mon 2020-12-07 1:20 PM*

Good afternoon Mr. Stewart,

You have been in contact with our office previously and the Provincial Saskatoon Court office requesting transcripts for case managements. You were notified by letter dated Aug. 12, 2019 (copy attached) from Jan Whitridge, Registrar/Executive Legal Officer outlining reasons that transcripts will not be provided.

Sincerely,

Leah Waterfield

Government of Saskatchewan

Supervisor, Transcript Services

Court Services Branch, Ministry of Justice

901-9th Fl, 2010-12th Ave

Regina, SK, Canada S4P 4B3

Phone: 306-787-5466

JAN WHITRIDGE
EXECUTIVE LEGAL OFFICER



PROVINCIAL COURT OF
SASKATCHEWAN

PROVINCIAL COURTHOUSE
4TH FLOOR, 1815 SMITH STREET
REGINA, SASKATCHEWAN
S4P 2N5

PHONE: (306)798-3189
FAX: (306)787-3933

August 12, 2019

James Stewart
P.O. Box #3
Hanley, Saskatchewan
S0G 2E0

Dear Mr. Stewart:

Re: Access to Case Management Transcripts

I have received your request dated August 8, 2019, for access to court records, specifically, transcripts of case management conferences involving yourself and Judge Lavoie held September 25, 2012, October 16, 2012, November 8, 2012, January 23, 2013 and March 7, 2013 at Saskatoon Provincial Court.

While case management conferences are not typically recorded, the Court is entitled to record the proceeding solely for its own purposes. In such circumstance the recording is not accessible to the parties who were present. As such, recordings of the case management conferences you identified will not be provided to Transcript Services in order to produce the transcripts that you have requested.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Jan Whitridge'.

Handwritten initials 'JW' in cursive script.

Jan Whitridge
Registrar/Executive Legal Officer

cc: ✓ Janice Kaminski, Saskatoon Provincial Court
Leah Waterfield, Transcript Unit

REFERENCES

Pocket Dictionary of Canadian Law, 5th Edition; 2011. Dukelow, Daphne. ISBN: 978-0-7798-3688-8, Thomson Reuters.

Canadian Law Dictionary, 7th Edition; 2013. Coughlan, Steve., Yogis, John A., Cotter, Catherine. ISBN: 978-1-4380-0151-7, Barron's Educational Series.

The Canadian Constitution, 2nd Edition; 2016. Dodek, Adam. ISBN: 978-1-4597-3503-3 (paperback), Dundurn Press.

The Police Manual of Arrest, Seizure & Interrogation, 6th Edition; 1994. Salhany, Roger, E. ISBN: 0-459-55272-4 (pbk.), Carswell.

Oxford Canadian Dictionary of Current English; 2005. Katherine Barber, editor-in-chief. ISBN-13: 978-0-19-542283-2.--, Oxford University Press.

Meet Your Strawman: And Whatever You Want to Know; 2013. Robinson, David. ISBN-13: 978-1492877677, CreateSpace Independent Publishing Platform.

The UCC Connection: How to Free Yourself from Legal Tyranny, 2013. Robinson, David. ISBN-13: 978-1493688401, CreateSpace Independent Publishing Platform.

The Canadian Legal System, 3rd Edition; 1990. Gall, Gerald. ISBN: 0-459-34523-0, Carswell.

Canadian Legal Information Institute: Canlii.org

- Cases cited:
- R vs. Lux (citation 2012 SKCA 129)
 - R vs. Pascal Mertins (2012 SKPC 183)
 - R vs. Nasogaluak (2010 SCC6)
 - Boucher v. The Queen, [1955] S.C.R. 16
 - R. v. Mann, 2004 SCC 52 [2004] 3 SCR 59
 - R. v. Bartle, [1994] 3 S.C.R. 173
 - R. v. Affleck, 2010 NSPC 51
 - R. v. Stinchcombe, 1991 (Canlii) 45 (SCC), [1991]
 -

Criminal Code of Canada- *Criminal Code (R.S.C., 1985, c. C-46)*

Traffic Safety Act -TSA, T-18.1

The Stockholm Syndrome Goes Universal., by Miles Mathis. www.milesmathis.com First published May 17, 2021