March 12/2009

To the Supreme Court of Canada

It is obvious this Court has no intention of ever being honest about using fraudulent fabrications to uphold the life sentence given me by the lower Courts.

I think it is appropriate to review a couple of fundamental definitions from my Webster's dictionary:

murder, n. [M E. and AS. *morthor;* akin to Goth. *maurthr;* base as in L. *mors, mortis,* death.] the unlawful and **malicious** or premeditated killing of one human being by another; also, any killing done while committing some other felony, as rape or robbery.

Murder in the first degree; murder committed premeditatedly and with **malice**.

Murder in the second degree; murder committed without premeditation.

Murder will out; (a) murder or murderer will always be revealed; hence, (b) any secret or wrongdoing will be revealed sooner or later.

To get away with murder; to escape detection of or punishment for a blameworthy act. [Slang]

mur'dĕr, *v.t.;* murdered, *pt., pp.*; murdering, *ppr.* 1.to kill (a person) unlawfully and with **malice**.

2. to kill inhumanly or barbarously, as in warfare.

3. to spoil, mar, botch, etc., as by giving a poor performance, as she *murdered* that song.

4. to destroy; to put an end to. Canst thou *murder* thy breath in the middle of the word? -- Shak.

Syn. -----kill, slay, assassinate, destroy.

And:

shyster, *n*. [also earlier sense of *shuyster;* understood as *shy* (in earlier sense of "disreputable"), and –*ster.*] a person, especially a lawyer, who uses unethical or tricky methods; a petti-fogger. [Slang]

These two terms are very relevant to the actions taken by the authorities to do as much damage to us as they possibly could.

We are very grateful to an aware thinking public that has to some extent held back the people working to do as much damage to us as they possibly could through the very flawed judicial process.

- The judges on this Court would not want to be slandered the same way they have slandered us with their endorsement of fraudulently fabricated medical claims.
- Most Canadians don't think our daughter's death was a malicious event.
- Sure the judicial process is flawed, but for this Court to continue to endorse fraudulent medical claims Justice Binnie has described as "side issues", or as he says "there is a kind of pride in scientific illiteracy through the profession" [page 206]. Are just deceitful tactics to avoid being honest about this Courts erroneous endorsement of very dishonest prosecutors medical claims. If there is "**a more effective pain medication"**, or **"better pain management"** that **"was available"** to treat our daughter Tracy, **what is it?**
- As you can see by the replies by prosecutors on pages 266 and 267 to my letter written on page 264 and 265 the prosecutors don't know or care about any pain medication. Yet on pages 87 and 88 it was very clear to prosecutors when they wrote **Moreover a feeding tube decreased the risks associated with administering more powerful pain killers such as difficulties with swallowing and aspirating stomach contents into her lungs."**
- This is an instance where **shysters** misled a very eager to follow Court. **AGAIN**
- We have never been supplied with a true verdict of a jury. Because the Courts have first by way of **"confirming guilty verdicts"** in the first trial. And secondly by not allowing my only defence, the **"defence of necessity"** to be put to a jury, by erroneously endorsing fraudulently fabricated medical arguments in the second trial. I have been tried twice by **"shysters",** not juries.
- If this Court can tell Mr. Gunning unanimously in their May 19/2005 decision on line 49: "It is a basic principal of law that the jury is to decide whether an offence has been proven on the facts. The judge is entitled to give an opinion on a question of fact but not a direction. A trial judge has no duty or entitlement to direct a verdict of guilty and the duty to keep from the jury affirmative defences lacking an evidential foundation does not detract from this principle."
- And on line 71: The trial judge effectively determined the merits of the defence, a matter that was for the jury to resolve."

On line 125: "It is a basic principle of law that, on a trial by judge and jury, it is for the judge to direct the jury on the law and to assist the jury in their consideration of the facts, but it is for the jury, and the jury alone, to decide whether, on the facts, the offence has been proven.

It is of fundamental importance to keep these functions separate. The trial judge's duty to keep from the jury affirmative defences lacking an evidential foundation does not detract from this principle."

- And on line 140: On the evidence, this defence raised a real issue for the jury to decide. Rather than limiting his inquiry to the threshold question of whether the defence had any evidential foundation, the trial judge effectively determined the merits of the defence. In doing so he again exceeded his proper function.

In view of the fact that the jury was not properly instructed in respect of matters fundamental to the defence. I respectfully disagree with the Court of Appeal that reliance can be placed on the verdict of guilty of murder to conclude that there is no reasonable possibility that the verdict would have been different without the errors. I would allow the appeal, set aside the conviction and order a new trial."

- And on line 380: "The judge is also entitled to give an opinion on a question of fact and express it as strongly as the circumstances permit, so long as it is made clear to the jury that the opinion is given as advice and not direction."
- And on line 410: By his plea of not guilty, the accused in effect advance the "defence" that the Crown has not met its burden in respect of one or more of the necessary ingredients of the offence. In every trial where there is no plea of guilty or an admission by the accused as to one or more of the essential elements of the offence, the question of whether the Crown has met its burden is necessarily at play and must be put to the jury for its determination. This "defence" is squarely before the jury. There is no further threshold to meet. The imposition of any additional hurdle would run counter to both the presumption of innocence and the burden or proof on the Crown.
- And on line 431: "A defence will be in play whenever a properly instructed jury could reasonably, and account of the evidence, conclude in favour of the accused; R, v. Fontaine, [2004] 1 S.C.R. 702, 2004 SCC 27, at para. 74."
- If this Court can tell Mr. Krieger in their October 26th/2006 decision again in unanimity on line 55: "Absent a guilty plea, the verdict must be that of the jury, not the judge --- unless the judge finds the evidence insufficient and directs a verdict of acquittal on that ground. Even if the evidence is overwhelming, this does not justify a directed verdict of guilty."

- And on line 83: “Grant Wayne Krieger, the appellant in this case, was indicted and tried for having unlawfully produced cannabis. On that charge, he was entitled under s. 11(f) of the Canadian Charter of Rights and Freedoms to “the benefit of trial by jury”. He elected to exercise that right. At its heart lies a verdict by one’s peers --- the jury, not the judge.”
- And on line 205: “But absent a plea of guilty, the need for a verdict remains. And in trial by judge and jury, the verdict must be that of the jury, not the judge --- unless the judge finds the evidence insufficient and directs a verdict of acquittal on that ground.”
- And on line 241: “Whatever formula may be devised to facilitate the application of the proviso, the statutory requirement is that there should be no miscarriage of justice. It would be going very far to say there was no miscarriage in process which deprived an accused entirely of his constitutional right to trial by jury.’
- And as this Court cites on line 245”

“(“The Judge and the Jury”, in The Judge, 1979, at pp. 142 – 143)

And later:

In my idea no conviction can stand that is not based on the verdict of a jury given after a full and proper trial. No matter that the guilt of the accused cries out to the heavens through the voices of all the judges of England. This is the first and traditional protection that the law gives to an accused. The second and more recent protection, given in the way I have chronicled is that even such a verdict will not be enough if on the evidence the appellate judges find the lurking doubt which they consider that the jury has missed. But the second is an addition to the first and not a substitute for it. (p. 157)”

Prosecutor Carol Schnell was a pioneer in misleading the Courts with fabrications, with her claim in an Appeal Court in Regina that if Tracy had had the proposed hip surgery, that would have been the last surgery Tracy would need. A fact which is clearly not supported by Orthopaedic Surgeon Dr. Dzus’ testimony on page 135 of my material. Which is a copy of Dr. Dzus’ testimony at the first trial of me in 1994 on line 643: “I expect that there may be more surgical intervention”. That crazy **shyster** is now a big time judge in Saskatchewan.

As eager as this Court was to provide Mr. Gunning, and Mr. Krieger a chance to defend themselves in front of a jury. And to allow a fairly selected jury to decide the level of abuse the state would do to them. It is clear this Court has knowingly endorsed so many sneaky

underhanded tactics to keep me from defending myself in front of a fairly selected jury, and allow such a jury to decide the level of abuse the state should do to us.

This Court has clearly evaluated medical claims it did not take the time to understand. Had this Court taken the time to read the testimony of Dr. Dzus and try to understand her explanations given in court. It would be able to more properly evaluate the concerns with giving a child in Tracy's condition powerful pain medication.

When such medication is so prominently featured in a decision to uphold a life sentence, it puts this Court in a position of inflicting serious damage to me with unfounded reasons. Setting aside the damage of a life sentence, this Court has advised administering medications a doctor would not administer with this Courts "more effective" or "better pain management was available" findings. This Court was and is very careless and vicious in their slanderous criticisms of us.

This Court's January 18/2001 decision to uphold the life sentence imposed on me by endorsing fraudulently fabricated medical claims will not stand the test of time. You people know that. Your legacy of deceit will last a long time