

June 3/2005

To the Supreme Court of Canada

Most people that can read at a grade eight level, and have comparable comprehension would not conclude as this Court did on page 152, line 331:

“Tracy enjoyed music, bonfires, being with her family and the circus”, after reading Dr. Dzus’ testimony given at the first trial of me on page 131, line 552:

“we have somebody who is literally very stiff from the top of her spine right down to the pelvis so she has lacked - - she now lacks the mobility so that takes away some of that quality of life, plus the fact that she has lost weight in the summer prior to her death and that she was in severe pain from what we believe was her hip I would say that her quality of life in the last year of life was deteriorating.”

This Court was misled as to what Tracy’s condition was when it wrote on line 330 of Page 152 “her life was not in its final stages.”

It can be hard to understand how someone as young as Tracy was could be near the end of her life. This Court would gain a better understanding of Tracy’s condition if it were to read the testimony of Dr. Dzus on page 138 line 733:

“referring to a study that came out of the **Mayo Clinic** in Rochester where they looked at the survival of children with cerebral palsy and when they specifically looked at the totally involved child, total body involvement, about 50 per cent of them had died or 50 percent of them had survived to their tenth birthday.”

The decline in Tracy’s physical condition began when she had her first operation at the age of 4 years old. Prior to her having the first and least intrusive of the many surgeries, Tracy had the ability to roll from her back to her front, and from her front to her back. Even though this first operation was the least intrusive of all of the surgeries Tracy had, she lost and never regained the ability to roll from her back to her front as a result of this first surgery.

If this Court understands that Tracy was 1 month away from her 13th birthday at the time of her death. Then it should make sense to this Court that Tracy had lived 155 months, or 35 months longer than the average 120-month life span of someone as seriously injured as she was. Or it could be said that Tracy lived 29% longer than what is an average life span of someone as seriously injured as Tracy was.

The United States of America didn't use its vast judicial authority to force a feeding tube to be reinserted into Terry Shiavo.

The leadership of the Catholic Church didn't insist that their main guy Pope John Paul be equipped with a feeding tube cut into his stomach.

Yet this Court ruled on page 160 line 659:

“The appellant might have done so by using a feeding tube to improve her health and allow her to take **more effective pain medication**, or he might have relied on the group home that Tracy stayed at just before her death. The appellant may well have thought the prospect of struggling on unbearably sad and demanding. It was a human response that this alternative was unappealing. But it was a reasonable legal alternative that the law **requires** a person to pursue before he can claim the defence of necessity. The appellant was **aware** of this alternative but rejected it.

This Court did not hesitate to use these fraudulently fabricated medical claims of a **“more effective pain medication”** on lines 73, 325, and 661. **“Better pain management was available”** on lines 128, and 652. And **“a medically manageable physical or mental condition”** on lines 135, and 697. These findings can be found on pages 146, 152, 160, 148, 160, 148, and 161 respectively of my material.

It has been 4 years since I first read these claims, and started to question this Court to get an exact **identity** of this medication this Court uses so frequently against me.

These findings have been extremely well paid for not only by us, but Canadian taxpayers as well. Why must these findings be kept so secret?

Why does the guy from Fraser Lake J. J. Gunning get to have the merits of his defence determined by a jury, while the merits of my defence are repeatedly bastardized before my defence is barred from being heard by a jury? (I have enclosed a May 20/2005 T/C report)

Why can't honesty be an option for this Court?

High court rules B. C. man has Right to new trial

OTTAWA --- A Fraser Lake man, convicted of second degree murder after he shot a stranger who crashed his house party in 2000, is entitled to a new trial because he should have been allowed to put forward to the jury his assertion he was defending his property from a trespasser.

The Supreme Court of Canada ruled 9-0 Thursday the judge at Jody James Gunning's trial should have allowed the jury to hear Gunning's allegation he was legitimately defending himself and his property when he took out his shotgun, loaded it and carried it upstairs to confront a man who crashed his party, in the hopes of intimidating the intruder into leaving.

"The trial judge effectively determined the merits of the defence," wrote Justice Louise Charron for the high court. "In doing so he again exceeded his proper function."

Chester Charlie was killed by a single shotgun wound to the neck after he entered Gunning's house uninvited during a party. The dead man followed Gunning's common-law spouse home from a local pub where she had been drinking.

The focus of the trial was on whether Gunning intentionally killed Charlie or whether it was a tragic accident. --CNS