

File No: 40520

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN

John Turmel

Applicant
Appellant in appeal

and

His Majesty The King

Respondent
Respondent in appeal

APPLICATION FOR LEAVE TO APPEAL

JOHN TURMEL, APPLICANT

(Pursuant to Rule 25 of the Supreme Court Rules)

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NOTICE OF APPLICATION FOR LEAVE TO APPEAL
(Pursuant to S.40 of the Supreme Court Act)

TAKE NOTICE that John Turmel applies for leave to appeal to the Supreme Court of Canada, under S.40 of the Supreme Court Act to overturn the Judgment of Justice Gleason, MacTavish, Monaghan of the Federal Court of Appeal A-286-21 made on Oct 4 2022 and for an order dismissing the Defendant's motion to strike the Statement of Claim for a declaration that any Covid mitigation restrictions based on a false alarm are an unconstitutional violation of Plaintiff's Charter rights or any other order that the Court may deem appropriate;

AND FURTHER TAKE NOTICE that this application for leave is made on the following grounds:

Covid Mortality Hyped Hundredfold is a false alarm.

Dated at Brantford on Dec 2 2022.



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NOTICE TO THE RESPONDENT: A respondent may serve and file a memorandum in response to this application for leave to appeal within 30 days of the date a file number is assigned in this matter. You will receive a copy of the letter to the applicant confirming the file number as soon as it is assigned. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration.

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APPLICANT'S MEMORANDUM OF ARGUMENT
(Pursuant to S.25(1)(C) of the Supreme Court Rules)

Part I - Statement of Facts

1. THE APPLICANT APPEALED to the Federal Court of Appeal from the Oct 18 2021 decision Federal Court Justice Zinn dismissing the appeal against the July 12 2021 Order of the Case Management Judge Prothonotary Mandy Aylen, as she then was, striking the Statement of Claim for an Injunction prohibiting any federal Covid-mitigation restrictions due to a false alarm in its entirety, without leave to amend and with costs, for disclosing no cause of action.

2. It was held that the claim contained bare assertions of Charter breaches without sufficient material facts to satisfy the criteria. The facts alleged and presumed to be true were:

1) Covid Mortality Hyped Hundredfold by Comparing Apple Orange

3. WHO compared the Covid 3.4% CFR "Case Fatality Rate" "Apple" not to Flu's known 10% CFR "Apple" but to the 100-times smaller Flu 0.1% IFR "Infection Fatality Rate" "Orange" to exaggerate the threat a hundredfold.

2) CDC theory vs Wuhan 10M experiment

4. Governments imposed masked social distanced lockdowns when CDC said "most coronavirus cases spread from people with no symptoms." An asymptomatic spreader would unknowingly infect clusters of family and friends. On April 2 WHO found "no documented asymptomatic transmission." On June 3, Wuhan tested 10 million to find zero transmission by asymptomatics. No clusters have been found.

3) CTV deletes number of healthy Covid fatalities

5. On Nov 15 2020, CTV reported 10,947 deaths had 10,781 in long-term care (98.5%) omitting the difference of only 166 deaths (1.5%) not in long-term-care! Now deleted from their online video. 166 deaths from 38,000,000 non-long-term-care Canadians is 0.00044%: 1 in 230,000 healthy Canadians perished! 99.99956% of healthy Canadians survived. With mainly the old, fat, diabetic and vitamin-D-deficient perishing, almost no healthy Canadians have died. Between Jan 15 to

July 13, Ontario reported 1 death for children under 20. Schools were shut down to prevent a second death?

4) Over Amplify PCR Test for False Positives

6. The Tanzanian President/Chemist John Magafuli declared the number of cases was hyped with many false positives from PCR tests set too sensitive after a goat, sheep and papaya samples tested positive. He died soon thereafter.

5) Up WITH Covid over FROM lightning on death certificates

7. On Mar 24 2020 CDC hyped deaths by changing Death Certificate Guidelines to count death WITH "Covid" over death FROM "bullet," "lightning" "accident" or "suicide." The family of a child in Calgary objected to it being inscribed as "death with Covid" when it was "death from brain cancer." The CDC site showed only 6% died FROM Covid alone, 94% died from other co-morbidities and causes. Hospitals pumped up deaths by sending those who tested positive home until they could come back sick enough to be put on a ventilator and finished off.

6) Discredit the HydroxyChloroQuine alternative

8. France's Didier Raoult saved 99.2% of 4,000 patients and only lost 0.8% using 200mg of HCQ for 5 days, 1 gram total. Bill Gates' UK Oxford Recovery test saved 74.3% of 1,600 patients to lose 25.7% using 9.6 total grams over 10 days. This was not proof that HCQ doesn't work but rather proof that overdosing patients doesn't work. Ten times the dosage was really murder on Gates' Recovery patients.

9. On May 22, Lancet and New England Journal of Medicine published a bogus survey discrediting HCQ so WHO shut down testing it. On June 4, Lancet and NEJM retracted their stories citing the bogus data used though many studies remain shut down.

10. Since there would be no Emergency Use Authorization with an effective already-existing pill, the Forces Of Evil got the world's two most prestigious medical journals to publish a false smear to take out their competition and got Bill Gates to lose 25% of his patients to prove HCQ doesn't work after Didier Raoult only lost under 1% using a tenth of the dosage Gates did.

11. The Forces Of Evil blew the credibility of the top two medical journals and over-dosed patients to prove HCQ was dangerous, changed death certificate guidelines to hype deaths by 1,600%, made PCR tests over-amplify false positives, made CTV delete that only 166 healthy Canadians not in long-term-care had died, exaggerated zero symptomless spread to 50% infections by asymptomatics and compared the Covid CFR Apple to the Flu IFR Orange to hundredfold hype the Covid mortality. Tricking the world with an Apple Orange comparison is laughing at us.

12. Zinn J. pointed out the Crown argued I did not personally suffer any federal mitigation restrictions which may have been suffered by other plaintiffs whose actions had been stayed and noted:

<< He suggested that this was an approach used in another matter by Justice Phelan in 2015.>>

13. That judgment was given by Justice Phelan on Jan 11 2017 under the Style of Cause at <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/218251/index.do>

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

In the matter of numerous filings seeking a declaration pursuant to s. 52 (1) of the Canadian
and

In the matter of numerous motions requesting interim or interlocutory relief pursuant to s. 24(1) of The Charter with regards to changes to the Marihuana Medical Access Regulations ("MMAR") and the Marihuana for Medical Purposes Regulations ("MMPR".) >>

14. In the hearing, over 300 self-represented plaintiffs were invited to attend a teleconference in 12 courtrooms in 10 provinces where all were given the opportunity to contribute their complaints. Had that format been used allowing all plaintiffs to participate, the Crown could not have argued that my action should be dismissed because I personally did not suffer violations which the other 75 plaintiffs may have. Yes, the Court had jurisdiction to stay the other actions pending mine but that stay by the Court is the only reason I could not rely on the material facts of the other plaintiffs.

SPIKES CAUSE CLOTS

15. Blood vessels are designed to be smooth to permit fast laminar flow. But when your cells start producing spike proteins to protrude into the capillaries, the spikes impede the flow. Impeding the flow of blood causes clots. So it's a good bet that everyone who got the clot shot now have their capillaries clogged with micro-clots and a D-Dimer test is the only way to find out. But it makes sense from a fluid mechanical point of view that if you've got impediments in the bloodstream like spikes, you're going to form clots around them. Spikes must clog capillaries with micro-clots.

16. The vaxed are Walking Dead who will need blood-thinners for life. There have already been many reports from doctors of blood clots in the vaccinated and of collapses resulting in death. Doctors who defy the narrative to warn us against the clot shot are being fired, censored, their accounts taken down, their licenses suspended.

VAERS

17. A doctor has to spend an unpaid half an hour filling out a Vaccine Adverse Event Reaction form and most of the symptoms are minor. Like sneezes, or flus, or pains, little symptoms. What doctor is going to spend half an hour reporting an ache? So VAERS forms don't get filled out very much and are under-reported it's estimated by a factor of 100.

18. Worse, the CDC now doesn't count those vaccinated under 14 days as officially vaccinated. They might die the day

after the shot but it doesn't count as a vaccine death until 14 days later. Since most adverse effects are in the first days, it ensures that they are not listed as vaccine adverse effects. They're fudging the numbers right to our faces!

HEART DAMAGE

19. <http://archive.is/pvgggn> is the University of Ottawa study over June and July 2021 of 32 heart problems after 15,997 Moderna and 16,382 Pfizer shots. 32/32,379 is about 1/1,000. Dr. Francis Christian, fired as-Director of Patient Safety and Quality of surgery in Saskatchewan, notes that these are the ones with noticeable heart troubles. 80% do not yet know their hearts have been damaged.

20. How many would have taken the shot if they had known that the Covid Mortality was an exaggerated false alarm? 5 billion vaccinated around the world is 5 million we expect should have new heart conditions. Of Canada's 32 million vaccinated, we expect 32 thousand to have heart damage.

21. That's just heart problems. Now count clots to the lungs and brain and destruction of the immune system for many more patient illnesses coming up. The best metric is excess deaths. Insurance companies report an unprecedented 40% rise in excess deaths. With a 10% reduction in fertility after counting increased miscarriages. How many would have taken the jab had they known Covid was no more deadly than a lousy 1/3 mini-Flu?

INSANITIES

VACCINES DO NOT WORK

22. Prime Minister Trudeau said he will not allow the unvaxed to put the vaxed at risk of infection by letting them travel on public transportation putting the lie to the claim that vaccines are effective. Only the unvaxed will be restricted in their travel despite the vaxed also able to spread the infection. So people took a unsafe shot for an exaggerated threat that doesn't even prevent infection!

VACCINATE IMMUNE KIDS

23. Give clots to kids who are in no danger from the virus. If 1/230,000 not in long-term-care perish, kids are in even less danger. Zero deaths or transmission by youth reported in Iceland and Ireland and Germany, So instead of the over-all death rate of one in a quarter million healthy Canadians, say it's 1 in a million for kids. And Justin Trudeau still wants to clog their capillaries with clots?

24. And given the 1/1/230,000 chance of a healthy person dying, it would seem to be insane to compel healthy Canadians to take their clots over a 1/230,000 chance of death.

NATURAL IMMUNITY NOT CONSIDERED

25. It is now established that natural immunity from sleeping off infection is many ways better than unnatural immunity by vaccine for just one designer spike protein. But superior

natural immunity is not considered in the rush to clot everyone. it's insane to make them risk clots when they're already better immunized by natural antibodies rather than unnatural ones.

26. The Court delivered its decision from the Bench at Toronto, Ontario, on October 4, 2022:

MONAGHAN J.A.

[2] The Federal Court followed this Court's decision in *Hospira Healthcare Corporation v. Kennedy Institute of Rheumatology*, 2016 FCA 215 (*Hospira*), and identified the appellate standard of review from *Housen v. Nikolaisen*, 2002 SCC 33, as the standard to be applied in its review of the Case Management Judge's order.

[3] Applying that standard, the Federal Court could find no reviewable error in the Case Management Judge's decision, agreeing with her observations regarding the lack of facts necessary to support the appellant's claims under the Canadian Charter of Rights and Freedoms, her observations on law, and her conclusion that the claim as drafted is an abuse of process.

[4] This Court can allow the appeal only if we are satisfied that the Federal Court made an error of law or a palpable and overriding error in refusing to interfere with the Case Management Judge's decision: *Hospira*, at para. 84. Contrary to Mr. Turmel's submission, it was not open to the Case Management Judge or the Federal Court to disregard the applicable law and it is similarly not open to us to do so.

[5] We see no error in the decision below and accordingly we will dismiss the appeal with costs, fixed in the all-inclusive amount of \$1,500.00.

Part II - Statement of Questions in Issue

28. Would setting a precedent to declare that any mitigation restrictions for a Covid Mortality Hyped Hundredfold False Alarm to prevent millions of Canadians from taking an ineffective and unsafe experimental gene therapy by have been just?

Part III - Statement of Arguments

26. A court has the power to do anything that is just. This Court can lawfully allow millions to die but it can also do justice to let millions live.

29. The Court has good legal reasons not to inform Canadians that the theat is a false alarm and let millions more take the kill shot. Or not. Though it is unprecedented to ask to declare any restriction unconstitutional without an actual restriction to strike down, given any and all restrictions are due to a false alarm, I submit that saving Canadians from taking an ineffective and unsafe experimental treatment would have been just.

30. This situation was analogous to someone shouting "Fire" in a crowded church where many could be hurt in the stampede. Once the pastor ascertains it was just a candle in a glass, the crime would be compounded if the preacher saw it was a false alarm and did not inform the congregation.

31. The court refused to declare it a false alarm and is thusly just as responsible for the deadly repercussions as the preacher who did not declare the false alarm.

32. Declaring the false alarm stops all the strife. No more discussion of the necessity of vaccines when it is admitted vaccines are not needed for a false alarm mortality rate. Once a Court declares the Covid Mortality a hundredfold hyped false alarm, it stops all restrictions everywhere, world-wide. To the plaudits of humanity if not the pharmaceutical corporations.

33. I have been warning everyone to whom I gave my flyer <http://SmartestMan.Ca/c19flyer.pdf> with proof of the Covid Mortality Hyped Hundredfold that it is Judgment Day. Once you found out the threat was a false alarm, did you warn friends and family to avoid the needless experimental gene therapy? No? Would they have taken the jab if you had warned them?

34. My <http://SmartestMan.Ca/fauci> poem now ends with:
<< Would you have taken jab if Crown Ben Wong had Trudeau told,
Covid Mortality was over hyped by hundredfold?
Would you have taken jab if Justice Crampton had us told,
That Apple Orange were compared to hype by hundredfold
Would you have taken clot shot if Judge Aylen said: Behold
The CFR to IFR's too small by hundredfold
Would you have taken jab if Justice Zinn had us all told,
Comparing Apple Orange hyped the threat by hundredfold.

35. After Prothonotary Aylen had dismissed the Statement of Claim after having had carriage of it since March, every time I see an article about someone who died from a blood clot since she knew Covid Mortality was a false alarm, I share it to my <http://gab.com/johnturmel> page wondering if they'd have taken the kill shot had Judge Aylen warned them...

36. Applicant submits that with vaccine mandates still being enforced, it is this Court's duty to do justice and declare Covid Mortality Hyped Hundredfold a false alarm.

Part IV - Submissions on costs

37. Given this is an attempt to save lives, no costs should be granted if dismissed.

Part V - Orders sought

38. Appellant seeks an Order dismissing the motion to strike the Statement of Claim to declare that the Covid Mortality Hyped Hundredfold is a false alarm and allowing the action to proceed to trial.

Part VI - Table of Authorities

39. No Table of Authorities relied on.

Part VII - Legislation

40. No legislation relied on.

Dated at Brantford on Dec 2 2022

JC Turmel

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