

CANADA / JUDGMENT

# R. v. August-Sjodin

2020 BCSC 826

## COURT

Supreme Court of British Columbia

## DECIDED

3 June 2020

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2020 BCSC 826 R. v. August-Sjodin IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: R. v. August-Sjodin, 2020 BCSC 826 Date: 20200603 Docket: 108662 Registry: Kamloops Regina v. Peter Allan August-Sjodin Before: The Honourable Mr. Justice Marchand On appeal from: An order of the Provincial Court of British Columbia, dated November 6, 2019 (R. v. August-Sjodin, Kamloops Registry AJ08195928-1) Reasons for Judgment Counsel for the Crown: L.A. Drake Appearing on his own behalf: P. August-Sjodin Place and Date of Hearing: Kamloops, B.C. May 28, 2020 Place and Date of Judgment: Kamloops, B.C. June 3, 2020

## Introduction

- [1] The appellant, Peter Allan August-Sjodin, identifies himself by the spiritual appellation *spi7uwe*. In these reasons, I will refer to him by the name on his birth certificate and driver's license. In doing so, I intend no disrespect.
- [2] On November 6, 2019, Mr. August-Sjodin was convicted by a judicial justice of failing to produce proof of motor vehicle insurance, contrary to s. 33(1) of the Motor Vehicle Act, RSBC 1996, c. 318 [Motor Vehicle Act or Act]. The judicial justice imposed a penalty of \$81, which was the ticketed amount on the date of the infraction.
- [3] Mr. August-Sjodin appeals his conviction. He raises various pseudo-legal arguments infused with Indigenous rights arguments. His main arguments are that the judicial justice was coercive, biased and lacked jurisdiction to hear the matter, and that the RCMP officer who ticketed him also lacked jurisdiction and was in a conflict of interest in acting as both a witness and the prosecutor in his case.
- [4] For the reasons that follow, I must dismiss the appeal.

## Background

- [5] The Crown case consisted of the testimony of RCMP Constable Scott Richards.

- [6] Constable Richards testified that on November 16, 2018, he stopped a vehicle at the intersection of Squilax-Anglemont Road and Turtle Valley Road, approximately 500 meters off the TransCanada Highway near Chase, British Columbia.
- [7] The driver of the stopped vehicle provided a valid British Columbia driver's license in the name of Peter Allan August-Sjodin. Constable Richards compared the photograph on the driver's license to the driver of the stopped vehicle and satisfied himself that the driver was the person depicted on the license. Constable Richards also identified Mr. August-Sjodin as the driver in court.
- [8] Though the vehicle Mr. August-Sjodin was driving had a current registration and valid insurance, he was unable to produce the registration or insurance documents. As a result, Constable Richards issued Mr. August-Sjodin a violation ticket under s. 33(1) of the Motor Vehicle Act.
- [9] Mr. August-Sjodin cross-examined Constable Richards in support of his pseudo-legal arguments and also to challenge his credibility. The judicial justice cut short many of Mr. August-Sjodin's pseudo-legal questions. Mr. August-Sjodin then testified, mostly in support of his pseudo-legal arguments. The judicial justice also cut short much of Mr. August-Sjodin's testimony.
- [10] In her reasons for judgment, the judicial justice summarily dismissed Mr. August-Sjodin's pseudo-legal arguments. The judicial justice was satisfied that the prosecution had proven the essential elements of the offence beyond a reasonable doubt and found Mr. August-Sjodin guilty.

## Analysis

- [11] In his written and oral arguments, Mr. August-Sjodin repeats his pseudo-legal arguments. While I have every respect for Mr. August-Sjodin's status and rights as an Indigenous person, his pseudo-legal beliefs are baseless and without merit.
- [12] The Motor Vehicle Act is valid provincial legislation of general application. It applies to everyone who drives or operates a motor vehicle on a public highway in British Columbia, including status Indians, such as Mr. August-Sjodin: *Dick v. La Reine*, [1985] 2 S.C.R. 309 at paras. 39-40; *Quinn v. Dubnyk*, 2011 BCSC 792 at paras. 22-23; *Quinn v. Attorney General of British Columbia*, 2012 BCSC 1287.
- [13] As a police officer stationed in British Columbia, Constable Richards clearly had the jurisdiction to enforce the Act.
- [14] Section 33(1) of the Act provides as follows: Production of licence and liability card, duplicates 33 (1) Every person, except
  - (a) a person driving or operating a motor vehicle exempted under section 2 (5) or section 8 or 10, or

- (b) a person driving or operating a motor vehicle of a fire department of a municipality, must have his or her driver's licence and driver's certificate and a motor vehicle liability insurance card or financial responsibility card, issued for the motor vehicle he or she is driving or operating, in his or her possession at all times while driving or operating that motor vehicle on a highway, and must produce the licence, certificate and card for inspection on demand of a peace officer.
- [15] The exceptions in ss. 33(1)(a) and (b) do not apply in the circumstances of this case. As a result, Mr. August-Sjodin was obliged to produce proof of motor vehicle insurance for the vehicle he was driving on November 16, 2018 to Constable Richards. There was ample evidence before the judicial justice to satisfy her beyond a reasonable doubt that he did not. There is no basis whatsoever to interfere with the findings of fact made by the judicial justice.
- [16] While Mr. August-Sjodin submits that the conduct of the judicial justice was coercive and displayed bias, I do not share that view.
- [17] On my review of the transcript, the judicial justice largely sought straightforward answers to straightforward questions, such as whether the person in front of her was the appellant, Peter Allan August-Sjodin. Her abruptness with Mr. August-Sjodin at various points in the proceedings did not demonstrate bias. Rather, after thinking the matter through, an informed reasonable person would conclude that the judicial justice was endeavouring to keep the proceedings on track. An informed reasonable person would not conclude it was likely that the judicial justice, consciously or unconsciously, would not decide Mr. August-Sjodin's case fairly on the merits: *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369 at p. 394; *R. v. Hexamer*, 2019 BCCA 285 at para. 218
- [18] Turning to Mr. August-Sjodin's jurisdictional arguments, s. 2 of the Provincial Court Act, R.S.B.C. 1996, c. 379 continues the Provincial Court of British Columbia as a court having jurisdiction to hear matters under enactments of British Columbia. Together, ss. 11(1) and 31(1) of the Provincial Court Act grant judicial justices the jurisdiction to hear any class of matter designated by the Chief Judge.
- [19] On January 24, 2019, the Chief Judge issued Notice to the Profession and Public 16. At para. 5 of the Notice, the Chief Judge has assigned "hearings in respect of all provincial offences in which proceedings are commenced by violation ticket" to judicial justices.
- [20] The judicial justice clearly had jurisdiction over Mr. August-Sjodin's dispute.
- [21] Next, Mr. August-Sjodin's arguments that Constable Richards was in a conflict of interest have been put to rest by the British Columbia Court of Appeal. In *R. v. Cooper*, 2005 BCCA 256 (leave to appeal refused [2005] SCCA No. 321), the Court upheld the practice of a ticketing officer acting as prosecutor. While the Court found that the practice infringes on the right of an accused to a fair trial, the practice is demonstrably justified under s. 1 of the Charter.

- [22] Finally, with respect to Mr. August-Sjodin's pseudo-legal arguments, it was completely appropriate for the judicial justice to summarily dismiss them: R. v. Penner, 2018 MBQB 200 at paras. 12-13. Though Mr. August-Sjodin does not present as a "detaxer", the essence of his arguments have been completely and repeatedly debunked by courts across the country, the leading case being Meads v. Meads, 2012 ABQB 571.
- [23] Mr. August-Sjodin's Indigenous angle on his pseudo-legal arguments does not alter the fact that his case has nothing to do with copyright, corporate or contract law, his "sovereignty" or any of the other concepts he advances. In particular, the Royal Proclamation of 1763 and Mr. August-Sjodin's rights as an Indigenous person do not exempt him from the operation of the Motor Vehicle Act.

## Conclusion

- [24] For these reasons, I dismiss Mr. August-Sjodin's appeal. "L.S. Marchand J." MARCHAND J.

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