

# C.L.E.A.R.



**Common Law Education and Rights**

## **Criminalizing Dissent: Suppressing Freedom of Expression in Canada,**

### **Pt. 3**

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A fourth and expanding line of frightening action, requiring some lengthy explanatory comments, especially in relation to some local context. Governments are now falsifying criminal charges against those exercising their freedom of protest and dissent (always it appears, conservative viewpoints), and using this to silence them with the assistance of compliant leftist/Socialist judges, via onerous and non-relevant bail conditions, probations, and upon dubious convictions, sentencing. Underlying detail is important here, so I appreciate your patience while I elaborate on this point.

In Kelowna, we organized several well-attended and peaceful protests at the Interior Health (IH) building located at 505 Doyle Street, in response to the mask mandate issued by Interior Health Officer Sue Pollock. On multiple occasions, I entered the building to respectfully request that a representative meet with us to address our concerns regarding this mandate. Notably, these interactions—documented on video—revealed that none of the three receptionists present were wearing masks, in contrast to the directive being enforced at that time! Despite repeated assurances from reception that an official would come to speak with us, Interior Health representatives reneged on their word and consistently failed to engage or respond to our requests.

During our third IH protest, I again attempted to enter the building. Due to restrictive and, in my view, unrelated, unjustified and unreasonable probation conditions previously imposed by J. Heinrichs, I am constrained in what I am able to disclose at this time. However, I maintain that I was falsely charged by the Crown and subsequently and erroneously convicted on two falsified counts of assault by Judge Heinrichs, a family court judge presiding over a criminal matter. The appointment of a family court judge to adjudicate a criminal case raises significant concerns regarding judicial impartiality, competence and appropriate assignment of cases, particularly in light of her self-evident bias demonstrated against me throughout the proceedings.

Of particular note is the manner in which the Crown has sought to curtail my freedom of expression throughout the progression of this case.

Upon the charges being laid, a warrant was issued for my arrest. Shortly thereafter, Crown Prosecutor David Grabavac, without notice to me, applied to the Court to amend the release conditions associated with the warrant originally issued by the Justice of the Peace (JP). It is important to clarify that warrants may be endorsed, allowing police to release the accused on conditions, or unendorsed, requiring the accused to be brought before a judge to determine the terms of release. In cases of this nature, it is standard practice to proceed by way of summons rather than warrant. Nevertheless, Mr. Grabavac secured a warrant approximately four months after the alleged incident—an excessive measure, given

that my whereabouts were well known to all parties involved and there had been no further contact with the Interior Health building or officials since the initial event.

Mr. Grabavac sought to have the warrant amended from endorsed to unendorsed, intending to request at the bail hearing that I be prohibited from entering all parks and schools within the City as a condition of release until trial. Notably, Mr. Grabavac acknowledged on the record that these proposed restrictions bore no relevance to the alleged offences, which occurred far from any park or school; nonetheless, he pursued them, in my opinion, constituting a violation of the Crown's duty of candour to the Court and further amounting to an abuse of process.

Had these conditions been imposed, they would have effectively prevented me from exercising my freedom of expression by organizing our highly successful Freedom Rallies. It is noteworthy that only two months later, during the Trucker's Convoy of January/February 2022, thousands participated in our protests—demonstrating the significant impact such restrictions would have had, aligning with what appeared to be the Crown's and Governments' objectives to intentionally prohibit our rallies by obtaining a court order against me.

Fortunately, the application was denied for lack of jurisdiction. I subsequently turned myself in, and the RCMP released me on bail conditions, the majority of which were successfully overturned several weeks later through my bail review application.

It is important to emphasize that the assault allegation—regarding an incident for which I possess video evidence supporting my innocence—occurred at a location entirely unrelated to any park or school. The Crown's request to ban me from all parks and schools within the City bore no legitimate connection to the charges and appears to have been intended solely to suppress my ability to organize and participate in public demonstrations.

Had I refused to accept these Crown anticipated conditions as a condition of my release on bail, I would have faced over a year of pre-trial detention, effectively silencing my dissent against the unconstitutional COVID-19 orders. In either scenario, the result would have been the suppression of my freedom of expression opposing the COVID-19 orders, and the corresponding freedom of thousands of people to listen, which was the underlying objective of these unfounded charges. Ultimately, it was only through the grace of God that Mr. Grabavac's efforts to deny my Constitutional freedoms were unsuccessful.

However, Mr. Grabavac's efforts to curtail my freedom of expression did not end with the initial proceedings. Following my conviction on these highly dubious and questionable charges, the Crown again sought to silence me and secured a two-year probation order that prohibits me from speaking publicly on certain issues in relation to these charges. It is worth noting that such an extended probation period is highly irregular, as probation for similar offences typically does not exceed one year. This unusual severity suggests an intent to make an example of me, as has occurred with other prominent advocates for civil liberties. Both Judge Heinrichs and Prosecutor David Grabavac were instrumental in imposing these extraordinary conditions.

This broad restriction has had a significant chilling effect on my freedom of expression. It has prevented me from issuing press releases, participating in media interviews, publishing content on our websites and brochures, or discussing the injustices against me publicly on social media. In essence, this

amounts to an unrelated gag order, serving only to further silence dissent. By the time I will be able to talk publicly, the issue will likely have faded from the public's mind, exactly as the Government and Crown hope.

Additional probation conditions required me to "*keep the peace and be of good behaviour*," which have effectively prevented me from organizing expressive Freedom Rallies—an outcome consistent with the Crown's and Governments' objectives. The City has alleged that I am in violation of bylaws because other individuals at our Rallies were selling items, and due to our use of sound equipment, necessarily incidental to our Constitutionally protected freedom of effective expression. The City contends that such equipment use violates Municipal bylaws and that a licence must be obtained to exercise my Constitutional freedom of effective expression.

Over the course of more than two decades and dozens of protests held in Kelowna, I am the only individual to have been charged under these circumstances, despite the routine use of sound equipment and sales by numerous other protest groups. For example, here is a small list of people who have protested in downtown Kelowna without a permit and using sound equipment or selling items, none of whom have been charged or ticketed:

- Iranians were protesting using sound equipment every Saturday for over five months;
- Ukrainians had several protests including selling items;
- misguided and misinformed climate change fearmongers, used sound equipment;
- BLM protesters; and
- the Kelowna Atheists, Skeptics, and Humanists Association recently held a protest at City Hall on July 22, 2025, utilizing sound equipment without a permit (as the City has admitted to me) and received no citations.

The Government is giving "*free bylaw infraction passes*" to leftist organizations, for committing the same acts as myself. This pattern indicates a selective and, in my view, arbitrary and unconstitutional enforcement of bylaws, wherein left-leaning, Socialist organizations operate under a different standard than those expressing conservative or Christian views, or who target our own Governments for their actions.

While I dispute the applicability of these bylaws to our activities—a matter that is also being addressed in our ongoing Petition case with the City—the selective nature of enforcement further raises serious concerns regarding fairness and the equitable application of the law.

As an important aside, in an intensified attempt to stop freedom of expression, the Crown in the *Lich* and *Barber* criminal cases in Ottawa, argued on July 22, 2025 that they should be held responsible for all actions committed by others during the Trucker's Convoy, regardless of their direct involvement or knowledge. Similarly, in both my case and the Petition initiated in Kelowna to halt our rallies, the Crown and City are advancing the same argument—organizers, including myself, should be held criminally or Municipally liable for actions, such as the sale of merchandise, undertaken by individuals we may not even know or who may not have been formally invited to attend a public rally.

This approach represents a clear misuse of the criminal and Municipal justice system by the Attorney General to silence individuals and groups whose views are not aligned with those of the Government. Imposing liability on organizers for the independent actions of others creates a chilling effect,

discouraging anyone from organizing protests out of fear of being held legally accountable for matters beyond their control. Who is going to exercise freedom of expression and assembly under constant fear of being charged as a result of the actions of others??? Meanwhile, organizations with views more favorable to the Government appear to benefit from selective enforcement, effectively receiving these said *“free bylaw infraction passes.”* This will prevent opposing views from being in the public eye. *“Out of sight, out of mind”* will apply and the Governments know it.

Continuing, the moment I attempt to organize a rally utilizing sound equipment while under probation, the City is poised to issue a bylaw infraction—regardless of its legitimacy—and the Crown would swiftly seek an arrest warrant, alleging a further criminal offence for breaching a court order, by not being of good behaviour, presumption of innocence be damned. This would certainly result in the imposition of additional restrictions on my freedom of expression and subject me to yet another lengthy legal process, potentially extending proceedings by another 18 months atop the four years that have already elapsed since the initial falsified charges were brought. Such a cycle appears designed to be unending, effectively imposing a permanent prohibition on my right to free expression by threatening prolonged incarceration, resulting from an incident I was truly (and demonstrably) innocent of to begin with. This relentless pursuit serves only to achieve what seems to be the Crown’s and Governments’ objective: the permanent silencing of my dissenting voice.

Meanwhile, the appeal process has stretched on for nearly a year, with no end in sight. During this time, the Crown has effectively silenced my Constitutional freedom of expression—a result, as Kelowna Mayor Tom Dyas admitted to me (and as referenced below), of directives and threats from both the Provincial and Federal Governments to cut off funding and project approvals if they did not stop our Rallies. The underlying reason is clear: I was the organizer of one of the most vocal, successful and sustained protest movements in B.C. opposing the COVID-19 response and subsequent Government actions. I was always transparent about our values and beliefs, including our view that certain officials, such as Public Health Officer Bonnie Henry, should be incarcerated for her actions.

The public witnessed our efforts firsthand, and we garnered remarkable personal and commercial support—even from individuals who, pressured by fear, complied with mandates on vaccination and masking. The true extent of support was far greater than mainstream media reported, and it was our public exercise of free expression that ignited and sustained this widespread opposition.

Meanwhile, millions have viewed the widely circulated video of former Prime Minister Trudeau’s intentional, physical assault of reporter Keane Bexte on a beach in Tofino, B.C. with a two-arm blow to the chest—a far more serious incident than the incident involving myself—which involved nothing more than incidental contact and no use of force whatsoever. The stark contrast in responses to these incidents underscores the selective application of justice in our country to prohibit freedom of expression by any means possible.

I subsequently laid a private, criminal charge of assault on Mr. Trudeau. Remarkably and regrettably, the Crown stayed the charge just two days later—without ever reviewing the video evidence—on the grounds that it did not meet its charge approval criteria: a reasonable likelihood of conviction and serving the public interest.

I submit that such a decision could not have been made without first examining the evidence, further illustrating the extent of subversive Government influence within the office of the Attorney General.

The controversy surrounding then Prime Minister Trudeau's conduct towards former Federal Attorney General Jody Wilson-Raybould pales in comparison to the ongoing, behind-the-scenes efforts to silence expressive dissent and shield Government officials from accountability today, by using the criminal justice system to do the Governments' dirty work.

Additionally, consider the case involving Rebel News reporter David Menzies, who was visibly and intentionally assaulted by an RCMP officer—captured on video—while interviewing Minister Freeland on a public sidewalk. Astonishingly, it was Mr. Menzies who was then arrested and charged with assault! This incident exemplifies a disturbing pattern in Canada, where Government authorities and law enforcement not only fabricate charges against dissenters but, in some cases, commit criminal acts themselves and use those acts to justify additional false charges against us.

I am far from the only individual who has faced such treatment. Others—such as Tamara Lich, Chris Barber, the Coutts defendants, Pastor Pawlowski, Pastor Reimer, Randy Hillier, Dr. Hoffe, Dr. Trozzi and many more who have been at the forefront of challenging Government misconduct via freedom of expression and assembly—have also been subjected to questionable if not falsified charges, incarceration, employment restrictions or termination, and severe, unjustified and demonstrably unreasonable restrictions on their freedom of expression. Oh yeah, lest we not forget the millions of dollars the Federal Government has stolen from donors in the process of the denial of expression from participants in the Trucker's Convoy.

The scale of the Trucker's Convoy remains unparalleled in Canadian protest history—not only in the vast numbers who converged on Ottawa, but also in the tens of thousands who lined highways from British Columbia to Ontario in support. This immense outpouring of individual and collective expression of anger was a direct response to the Federal Government's unprecedented and unconstitutional COVID-19 measures, which infringed upon rights and freedoms Canadians were unwilling to see eroded while hoping for eventual court resolutions before Government appointed judges. The public's desire for instant expressive gratification was well justified.

Canadians recognized the overreach for what it was, and the level of National, vocal expression of anger and opposition quickly exceeded what the Government and its complicit media could effectively suppress. Yet, the unprecedented deprivation of rights that fueled these protests was met not with reflection, but with Government attempts to shift blame onto those who cherish freedom—civilly and criminally—using this as justification to silence all dissent.

Such tactics are designed to intimidate Canadians who oppose Government actions—particularly those deemed unconstitutional—into silence. Meanwhile, mainstream media remains largely silent or exhibits a clear, pro-Government, Socialist bias in its coverage.

This type of action is taken right out of Communist and authoritarian manifestos and has no basis in our common law at all. Government officials increasingly legislate or place themselves above the law, shielded by a judiciary they themselves appoint. Regardless of one's personal beliefs, this trend should alarm every Canadian who values freedom—because anyone could become the next target.

A fifth and increasingly dangerous front in the attack on free expression lies in Government and regulatory backrooms. Freedom of expression is increasingly threatened within Municipal Governments and professional regulatory bodies.

After the 2022 B.C. Municipal elections, during a private conversation, Mayor Tom Dyas asked whether I planned to continue our outdoor public protests. In a revealing moment at this time, Mayor Dyas disclosed that the City was under Provincial Government pressure to pursue legal action — including seeking a court injunction to ban our rallies — or risk losing unspecified Provincial funding or project approvals. The City’s actions weren’t driven by legal merit, but by political pressure aimed at suppressing lawful protest and free expression under colour of legal process.

Since the onset of the COVID-CON in 2020, I remain the only person in Kelowna charged for organizing political protests – falsified bylaw tickets now totalling over \$60 000.00! Despite many demonstrations by other groups — supporting causes like LGBTQ, BLM, climate action, and groups advocating international issues — none have faced similar legal action. The contrast is obvious: CLEAR is the only group consistently and publicly opposing our own Governments’ COVID narrative and rights violations, making the selective bylaw enforcement undeniable.

This reflects a broader abuse of power. Governments increasingly use threats, funding leverage, and legal coercion to silence dissent, while permitting — and often promoting — speech aligned with their Socialist ideology. It’s only a matter of time before internal directives bar disfavoured groups from public venues like libraries, parks, and community centres, while state-approved narratives are promoted.

Further, councillors who dissent from woke or U.N.-driven policies are often silenced, marginalized, or publicly ostracized — creating a chilling environment where open debate on Municipal councils is discouraged and Socialist conformity is enforced.

These tactics and threats extend to regulated professions, where individuals have faced and continue to face disciplinary action for challenging prevailing Government or regulatory body narratives. This has been especially evident in healthcare. Many doctors and nurses have resigned rather than comply with speech restrictions during the COVID-CON. Since then, many have come forward to expose what they describe as Government mis/disinformation and coercion. Congratulations to Dr. Hoffe, Dr. Trozzi, Dr. Malthouse, Dr. Hodgkinson and many others for their courageously held positions.

Law Societies have likewise discouraged or prohibited open discussions that conflict with Government policy. Where were the lawyers when B.C. Minister Farnworth issued his March 20, 2020 Emergency Order, though he was prohibited by the *Emergency Program Act* from doing so?

Even more concerning is the erosion of judicial independence. Resulting from the hard work of Kari Simpson, we now know judges undergo Government-sponsored training on politically sensitive topics like SOGI (Sexual Orientation and Gender Identity); raising serious concerns about bias, impartiality, ideological conformity and restrictions on independent judicial expression.

Governments and their allies are using every weapon at their disposal to ensure only approved narratives are heard. Even peaceful protests are being labeled as threats, while actual threats to freedom go unchallenged or actively enabled by the system.

Threats to speech are escalating. One key example is the *Online Harms Act*, Bill C-63, introduced in February 2024 but paused after Parliament was prorogued in early 2025. Though its final form is

unclear, its purpose is not to enhance discourse but to restrict it — often under the guise of “*safety*” or “*harm reduction*.”

We have a duty to hold officials accountable for policies and actions that restrict expression. This includes voting against censorship, challenging unlawful restrictions in court, exposing abuses of power, and refusing to compromise on fundamental freedoms (peaceful, civil disobedience.) Restrictions on freedom of expression are incompatible with democracy. The freedom to speak, to be heard, and to dissent must not be sacrificed for comfort, conformity, power or control. If we allow expression to be pushed out of the public square, we will no longer be free.

In the final installment, Part 4 of this series, we will continue our examination of the weapons Governments are using to limit and prohibit freedom of expression, including attempts to “*bylaw*” our protests out of existence.