

128017-1 (Surrey)  
33510-2-C (Delta)  
Surrey Registry

**IN THE PROVINCIAL COURT OF BRITISH COLUMBIA  
(BEFORE THE HONOURABLE JUDGE WINGHAM)**

Surrey, B.C.  
November 25, 2010

**REGINA**

**v.**

**JOHN MARTIN CUMMINS et al  
and  
DALE WILLIAM ARMSTRONG et al**

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**PROCEEDINGS AT  
SENTENCING SUBMISSIONS**

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**COPY**

Federal Crown Counsel:

J. M. Le Dressay

Appearing on his own behalf:

P. Eidsvik

**KEVIN SIMONETT**

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**THE ACCUSED KEVIN SIMONETT:** Kevin Simonett, Your Honour.

**THE COURT:** I'm sorry, your last name, sir?

**THE ACCUSED KEVIN SIMONETT:** Simonett.

**THE COURT:** Thank you.

**THE ACCUSED KEVIN SIMONETT:** That was my father that gave testimony earlier.

I believe I'm the youngest one in the room. I'm 37 years old. I started fishing with my dad at age 11. At the time of this incident, I did not have a Bachelor's degree in anything, I was just kind of going to school on the off-season. Since this incident, I've gotten my Bachelor of Arts and I've gone to law school and now I practice law.

This is an interesting group that I was brought up amongst. I don't look upon them at my first blush and think of Mahtma Gandhi. The -- civil disobedience is a long-recognized proper course to something that -- if there's no other way, non-violent way, to make a point.

We have heard from Mr. Cummins, who's an MP, and he's been on the Fisheries Committee for over a decade, and he's not able to make a change.

I've worked for the Minister of Fisheries as a summer student when the government changed, hoping that political change would bring change to our fisheries. I was unable to even make a small dent in the questions that we all had for years.

So this civil disobedience action is -- was appropriate at the time. It was considered, and we all put thought into it. There was rules and there were consequences that we face today.

The reason why an absolute discharge is appropriate is because that this action was done for a specific purpose that politics, as our friend up here has brought up, was not able to solve.

We weren't even heard.

And so that's why I'm asking for the court to consider an absolute discharge for the people here today, is because they are not -- they have done the right thing. They have brought this issue forward, they have brought it to the consciousness of the people, to the Government and to the DFO. People are talking about this and the court has considered it, and we live and continue to live by the decisions of this court. Thank you.

**THE COURT:** Thank you. Anyone else? All right, thank you. Mr. Eidsvik, you've summarize -- you've already summarized. Is there anything else that you want to say?

**MR. EIDSVIK:** No. No, Your Honour.