

**ONTARIO
SUPERIOR COURT OF JUSTICE
(East Region)**

BETWEEN:

HIS MAJESTY THE KING

Respondent

-and-

JEFFREY EVELY

Appellant

NOTICE OF APPEAL

TAKE NOTICE that JEFFREY EVELY appeals against the convictions with respect to counts 1 and 2 for mischief contrary to ss. 430(1)(c) and (d), and count 3 for obstructing a peace officer contrary to ss. 129(a), made by Her Honour Judge Miles of the Ontario Court of Justice at 161 Elgin Street, Ottawa, Ontario on September 17, 2024.

**THE DATES UPON WHICH THE SUMMARY CONVICTION COURT HEARD
EVIDENCE ARE AS FOLLOWS:**

August 26-27, 2024.

THE GROUNDS FOR THIS APPEAL ARE:

1. That the trial judge erred in her determination that the Appellant's right to be free from arbitrary detention, guaranteed by s. 9 of the *Charter of Rights and Freedoms*, was not infringed by his arrest.
2. That the trial judge erred in her determination that the Appellant's right to be free from unreasonable search and seizure, guaranteed by s. 8 of the *Charter of Rights and Freedoms*, was not infringed by a police search following his arrest.
3. As a result of the above errors, the trial judge further erred in failing to exclude evidence obtained as a result of the *Charter* breaches.
4. That the trial judge erred in law in her assessment of the essential elements of mischief and their application to the evidence in this matter.
5. That the trial judge erred in her finding that police powers under common law included the ability of police to lockdown the core of downtown Ottawa with checkpoints at the perimeter.
6. That the trial judge erred in finding that police were in the course of their lawful duty when they restricted access to downtown Ottawa.

ON THE HEARING OF THIS APPEAL, THE APPELLANT WILL REPLY UPON THE FOLLOWING:

1. The transcript of proceedings,
2. The Appellant's appeal book,
3. The Appellant's factum, and
4. The Appellant's book of authorities.

THE RELIEF SOUGHT IS:

1. An Order allowing the appeal and substituting acquittals on counts 1, 2, and 3.

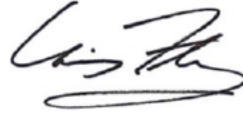
THE APPELLANT MAY BE SERVED WITH DOCUMENTS PERTINENT TO THIS APPEAL:

1. By service in accordance with rule 5, through

CHARTER ADVOCATES CANADA

[REDACTED]

DATED at [REDACTED], Ontario on this 31st day of December 2024



CHRIS FLEURY

CHARTER ADVOCATES CANADA

[REDACTED]

Counsel for the Appellant
Jeffrey Evely