

**Notice of Appeal or Combined Notice of Application
for Leave to Appeal and Notice of Appeal**
Form 12, *Criminal Appeal Rules*, Court of Appeal for Ontario

COA-24-OM-0284

Court File No. (if known)

M

Motion No. (if known/applicable)

COURT OF APPEAL FOR ONTARIO

BETWEEN:

HIS MAJESTY THE KING

Respondent

- and -

EVAN BLACKMAN

(specify name)

Appellant

**NOTICE OF APPEAL [OR COMBINED NOTICE OF APPLICATION
FOR LEAVE TO APPEAL AND NOTICE OF APPEAL]**

APPEAL INFORMATION (complete as applicable)

Ontario Court of Justice, 161 Elgin Street, Ottawa ON

1. Place of trial/proceedings below: **K2P 2K1**

2. Name of judge: **Justice Frank Crewe**

3. Offence(s)/Sentence(s) under appeal:

(Include the applicable *Criminal Code* and/or *Controlled Drugs and Substances Act* section number(s) and any other applicable information in the chart below and add more rows, if necessary.)

Offence name	Section number	Plea	Result at trial	Sentence
Mischief	430(1)(c) C.C.	not guilty	acquittal	N/A
Mischief	430(1)(d) C.C.	not guilty	acquittal	N/A
Obstruct Peace Officer	129(a)	not guilty	acquittal	N/A

4. Length of trial/proceedings below: **1 Day (October 23, 2023)**

5. Date of conviction/acquittal/order/decision/verdict being appealed: **October 23, 2023**

6. Date of sentence (if any): **N/A**

7. If in custody, place of incarceration: N/A
8. Court File No. in court(s) below (if known): 22-A8288 / CR-22-8288-AP
9. Name of Judge of Summary Conviction Appeal Court (if applicable): Justice Kevin Phillips
10. Date of Judgment of Summary Conviction Appeal Court (if applicable): June 21, 2024
11. Result of Summary Conviction Appeal (if applicable): New trial ordered

TAKE NOTICE that the appellant/applicant (check all that apply):

- ☒ Appeals against **the new trial ordered** upon grounds involving a question of law alone;
- ☐ Applies for leave to appeal against conviction upon grounds involving a question of fact or a question of mixed law and fact, and if leave be granted hereby appeals against conviction;
- ☐ Applies for leave to appeal against sentence, and if leave be granted hereby appeals against sentence;
- ☒ Applies for leave to appeal from the decision of the summary conviction appeal court upon grounds involving a question of law alone.

THE GROUNDS FOR GRANTING LEAVE TO APPEAL/APPEAL ARE:

Grounds for Appeal

1. The Summary Conviction Appeal Judge erred in law in his analysis and application of the law with regards to the offence of obstructing a peace officer.
2. The Summary Conviction Appeal Judge erred in his application of the doctrine of sufficiency of reasons when assessing the Trial Judge's reasons regarding the mischief counts.
3. The Summary Conviction Appeal Judge erred in law by deciding the mischief appeal on a ground not particularized in the Notice of Appeal and not argued by the parties, namely the doctrine of insufficiency of reasons.
4. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Grounds for Granting Leave to Appeal

5. The above grounds for appeal are of particularly strong merit and likely to succeed.
6. The above grounds for appeal are significant to the general administration of justice and important beyond the Appellant's case. In particular:
 - a) Trial courts throughout the province would benefit from a more definitive statement of the law of obstruct in cases where there is minimal or conflicting evidence about what an accused knew or ought to have known about police actions and intentions.
 - b) "Freedom Convoy" related cases are still making their way through the Court system including at the level of summary conviction appeals. Those cases would benefit from a more authoritative statement of the law of mischief and obstruct police in the context of the "Freedom Convoy".
7. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE RELIEF SOUGHT IS:

(Indicate particular relief sought.)

1. That leave to appeal be granted.

2. That this appeal be allowed and that the Trial Judge's acquittals be restored.

3. Such further and other relief as the Appellant may advise and this Honourable Court may allow.

IF A NEW TRIAL IS ORDERED AND THE APPELLANT HAS A RIGHT TO A TRIAL BY JUDGE AND JURY, THE APPELLANT:

☐ Does; or ☐ Does not

want the new trial to be by judge and jury (*Criminal Code*, s. 686(5)).

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

1. By service in accordance with the *Criminal Appeal Rules* through (specify contact information)

Charter Advocates Canada

[REDACTED]

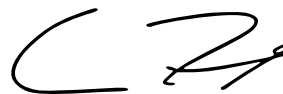
Christopher Fleury

[REDACTED]

Hatim Kheir

[REDACTED]

DATED at [REDACTED], **ON** [REDACTED], this **18** day of
(specify city or town, etc.) (specify province)
July, 20 **24**.
(specify month)



Signature of appellant/applicant or lawyer

Christopher Fleury

Specify name and contact information

TO: The Registrar

AND TO: (Names and contact information of all other parties' lawyers or other parties)

**TO: REGISTRAR
COURT OF APPEAL FOR ONTARIO**

[REDACTED]

AND TO: Crown Law Office Criminal

[REDACTED]