

**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

C

Court File No. (if known)

M

Motion No. (if known/applicable)

COURT OF APPEAL FOR ONTARIO

BETWEEN:

HIS MAJESTY THE KING

(Respondent)

- and -

CHRISTOPHER BARBER

(specify name)

(Appellan)

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

APPEAL INFORMATION (complete as applicable)

1. Place of trial/proceedings below: **Ottawa, Ontario**

2. Name of judge: **Justice Heather Perkins-McVey**

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
Counsel indictable offence – mischief	464(a)	Not Guilty	Guilty	Stayed
Counsel to indictable offence—intimidation	464(a)	Not Guilty	Not Guilty	
Counsel indictable offence—obstruct police	464(a)	Not Guilty	Not Guilty	
Obstruct Police	129(a)	Not Guilty	Not Guilty	
Intimidation—block highways	423(1)(g)	Not Guilty	Not Guilty	
Mischief	430(3)	Not Guilty	Guilty	18 month conditional sentence
Counsel indictable offence – disobey court order	464(a)	Not Guilty	Guilty	18 month conditional sentence, concurrent to sentence for mischief

4. Length of trial/proceedings below: 45 days
5. Date of conviction/acquittal/order/decision/verdict being appealed: April 3 2025
6. Date of sentence (if any): October 7, 2025
7. If in custody, place of incarceration: _____
8. Court File No. in court(s) below (if known): 23-114011
9. Name of Judge of Summary Conviction Appeal Court (if applicable): N/A
10. Date of Judgment of Summary Conviction Appeal Court (if applicable): N/A
11. Result of Summary Conviction Appeal (if applicable): N/A

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

- ☒ Appeals against **conviction** 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:

1. The Trial Judge erred in law in her application of section 430(7) of the Criminal Code;
2. The trial judge misapplied the principles of reasonable doubt to the *mens rea* required to convict on the offences, in the context of the Accused not testifying and the inferences that may be drawn from the totality of the evidence and the gap in the evidence;
3. The Trial Judge materially misapprehended the evidence and/or made unreasonable findings and/or disregarded evidence by failing to give effect to the absence of evidence linking the Appellant to the offence of mischief by others and by failing to give effect to the action of the Appellant and his assistance to the police and officials throughout the protest;
4. The Trial Judge erred in her application of the principles of law with regards to the defence of officially induced error;
5. The verdicts were unreasonable;
6. The trial judge erred in principle in over emphasizing the aggravating factors and failing to properly balance the mitigating factors on sentence;
7. The trial judge erred in principle in failing to consider the effects of the imposing of a conviction in the particular circumstances of the offence and the offender and failing to impose a discharge;
8. 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 the appeal be allowed, the convictions be quashed and acquittals entered;
2. In the alternative a new trial ordered;
3. That leave to appeal sentence is granted, the appeal to sentence allowed and the sentence reduced.

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)

The office of Magas Law Professional Corporation, Attention Diane Magas, [REDACTED]

DATED at Ottawa, Ontario, this 5th day of
(specify city or town, etc.) (specify province)
November, 20 25.
(specify month)



Signature of appellant/applicant or lawyer

Diane Magas
Lawyer for the Appellant

MAGAS LAW PC

[REDACTED]

[REDACTED]

Specify name and contact information

TO: The Registrar

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

Crown Law Office- Toronto

[REDACTED]