

**ONTARIO SUPERIOR COURT OF JUSTICE
East Region**

BETWEEN:

HIS MAJESTY THE KING

Respondent

-and-

EVAN BLACKMAN

Appellant

**APPELLANT'S FACTUM
(SUMMARY CONVICTION APPEAL)**

March 5, 2026

CHARTER ADVOCATES CANADA

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**Counsel for the Appellant
Evan Blackman**

PART I – STATEMENT OF THE CASE

1. The Appellant, Mr. Evan Blackman, was charged with the *Criminal Code* offences of mischief and obstructing a peace officer. His arrest occurred on February 18, 2022, in the context of a police public order operation which sought to remove protestors and their vehicles from downtown Ottawa. Upon Mr. Blackman's release from custody approximately 6-7 hours later, he realized that he could not access funds in any of his bank accounts. He phoned his bank the following day and was informed that the funds were frozen pursuant to the recently invoked *Emergencies Act*.

2. Following his trial, Mr. Blackman brought an application to stay the criminal proceedings pursuant to section 24(1) of the *Charter*. He alleged that the freezing of his funds and the related disclosure of his personal and account information constituted two separate breaches of his rights under section 8 of the *Charter*, and that the proceedings ought to be stayed as a result.

3. The evidence on the stay application, which was obtained primarily through a pre-trial *O'Connor* application, did not suggest that the section 8 infringements occurred as a direct result of his February 18 arrest. Rather, a vehicle owned by Mr. Blackman was observed by police on the Sir John A Macdonald Parkway on February 16, two days prior. This information formed the sole basis for the freezing of accounts and disclosure of financial information.

4. The defence theory of the stay application was that the two related policing operations which targeted Mr. Blackman were "two sides of the same coin".¹ On the one

¹ *Notice of Application dated July 23, 2025 (Stay of Proceedings)* at para. 49, Appellant's Appeal Book ("**AAB**") at tab 12.

hand was the public order operation which involved police dressed in riot gear physically confronting and removing protestors and their vehicles. On the other hand, were the financial measures imposed under the *Emergencies Act* which purported to target the protest leadership and those with vehicles parked in downtown Ottawa. Both operations involved the same policing agencies working together at the same time, at the same place, to accomplish the same goals (i.e. the removal of protestors and the restoration of order to downtown Ottawa). The actions of one “tainted” the actions of the other.

5. On November 21, 2025, Justice Richard Blouin of the Ontario Court of Justice (the “**Trial Judge**”) released his decision for both the trial and the stay application (the “**Decision**”). The Trial Judge convicted Mr. Blackman of both mischief and obstruct, and dismissed his stay application on the basis of standing.

6. In dismissing the stay application, the Trial Judge did not cite or reference the defence theory of the application or any evidence that supported it. The dismissal was based entirely on the reasoning that there was no connection between the impugned state conduct and Mr. Blackman’s arrest.

7. Mr. Blackman appeals the dismissal of his stay application on the basis that the Trial Judge erred in his articulation and application of the law of standing in a stay application and failed to provide sufficient reasons in dismissing the application.

PART II – SUMMARY OF THE FACTS

A. Background

8. The charges against Mr. Blackman are particularized as occurring on or about February 18, 2022. The arrest occurred in the context of a large and sustained police effort to remove political protestors from the downtown Ottawa core. The protest began weeks earlier with vehicles and protestors arriving in downtown Ottawa on January 28, 2022. The protest was largely in reaction to the legislative response by Federal and Provincial Governments to COVID-19. The protest became known to protestors and the public alike as the “Freedom Convoy.”²

9. In reaction to the Freedom Convoy, and other loosely associated protests at border crossings across the country, the Government of Canada declared a national “Public Order Emergency” pursuant to the *Emergencies Act*.³ The so-called emergency was declared on February 14, 2022.⁴

B. The Economic Measures

10. One aspect of the Federal Government’s legislative response to the so-called emergency was the enactment of the *Emergency Economic Measures Order* (“**EEMO**”).

11. Under the *EEMO* Canada’s financial institutions had an obligation to “cease dealings” with any “designated person”. Ceasing dealings means ceasing to (a) deal in any property, (b) facilitate any financial transaction, (c) make property or funds available, or (d) provide financial services, to any designated person.⁵ A designated person is

² *Trial Exhibit No. 1: Agreed Statement of Fact*, AAB at tab 4.

³ [Emergencies Act](#), RSC 1985, c 22 (4th Supp).

⁴ *Trial Exhibit No. 1: Agreed Statement of Fact*, AAB at tab 4. See also: [Proclamation Declaring a Public Order Emergency](#), SOR/2022-20.

⁵ [Emergency Economic Measures Order](#), SOR/2022-22 (“**EEMO**”) at s. [2\(1\)](#).

defined as any individual engaging in any activity prohibited by sections 2 to 5 of the *Emergency Measures Regulations*. Most relevant to this Application, a person participating “in a public assembly that may reasonably be expected to lead to a breach of the peace” will be a designated person.⁶

12. Further obligations of Canada’s banks under the *EEMO* include: the duty to “determine on a continuing basis whether they are in possession or control of property that is owned, held or controlled by or on behalf of a designated person” (section 3); and the duty to disclose “without delay” to the RCMP or to the Director of CSIS, the “existence of property in their possession or control that they have reason to believe is owned, held or controlled by or on behalf of a designated person” (section 5).⁷

13. Police actions taken under the *EEMO* culminated in the freezing of 246 financial products; the disclosure of 57 entities, which includes individuals and owners or drivers of vehicles involved in the protest; and 170 Bitcoin wallet addresses shared with virtual currency exchangers.⁸

14. Financial service providers began unfreezing accounts on February 21 following the receipt of updated information provided by the RCMP.⁹

C. The Appellant’s Arrest

15. On February 18, 2022, a police enforcement action was undertaken to remove all vehicles and protestors from a defined perimeter within downtown Ottawa. The enforcement action was a multi-agency operation that involved police officers from

⁶ *Emergency Measures Regulations*, [SOR/2022-21](#), s. [2\(1\)](#).

⁷ *EEMO* at ss. [3-5](#).

⁸ *Stay Application Exhibit No. 2: Affidavit of Denis Beaudoin dated July 23, 2025* at paras 20-21, AAB at tab 10.

⁹ *Ibid* at paras 21-22 and Exhibits C&D.

policing agencies across the Country and from all three levels of government. Officers from different policing agencies and jurisdictions worked closely together with the goal of ending what they perceived to be illegal activity occurring in downtown Ottawa, namely the Freedom Convoy.¹⁰

16. At approximately 12:15 pm Mr. Blackman formed part of a group of protestors who faced a line of police dressed in riot gear. The police line moved forward in one coordinated motion. Mr. Blackman was pulled through the police line and placed on the ground with his hands behind his back. He did not resist. He was placed under arrest by Sergeant Jason Riopel.

17. Mr. Blackman was held in custody for approximately 6-7 hours. Eventually he was presented with a Form 10 Undertaking which he signed at 5:56 pm. He was subsequently driven to a local Tim Horton's and released at some time during the evening of February 18.

18. Following Mr. Blackman's release from custody on February 18, he immediately realized that he was not able to obtain funds from any of his bank accounts. The Applicant phoned TD Bank to inquire as to why his funds were inaccessible. He was informed by a representative of TD Bank that his accounts were frozen pursuant to the *Emergencies Act*, and that there was nothing they could do. His accounts remained frozen until the morning of February 22, 2022.¹¹

¹⁰ *Testimony of Jason Riopel at Trial on August 14, 2025* at pg. 53 ll. 4-22, AAB at tab 13.

¹¹ *Stay Application Proceedings (Testimony of Evan Blackman and Denis Beaudoin as well as Submissions) on August 21, 2025 ("Stay Application Proceedings")* at pg. 8 l. 4 – pg. 9 l. 20, AAB at tab 13.

D. The Proceedings

19. This matter has a long procedural history given that the evidence is, as described by the Trial Judge, “remarkably straight forward.”¹²

20. Mr. Blackman was first tried on these charges on October 23, 2023, in a one-day trial before Crewe J. He was ultimately acquitted of all charges by oral reasons rendered that same day.

21. The Crown appealed those acquittals to this Court. The appeal was allowed on the grounds that the first trial judge provided insufficient reasons with respect to the mischief charge and mischaracterized the elements of the offence of obstructing a peace officer.¹³

22. Mr. Blackman sought appeal to the Ontario Court of Appeal. His leave application was denied, and the matter returned back before the Ontario Court of Justice for a retrial.

23. On May 1, 2025, an *O'Connor* application was brought by Mr. Blackman before the Trial Judge. Mr. Blackman sought records in the possession of his bank, Toronto Dominion Bank, and the RCMP. The purpose of obtaining the records was to support a contemplated *Charter* application which would argue that the freezing of his bank accounts a breach of section 8 of the Charter and that the charges against Mr. Blackman ought to be stayed. At that time Mr. Blackman had no knowledge of how or why his bank accounts had come to be frozen but, given the order of events and temporal proximity, speculated that it was as a result of his arrest.¹⁴

¹² *Reasons and Decision of the Honourable Judge Blouin dated November 21, 2025 at para 3, AAB at tab 3.*

¹³ *R. v. Blackman*, [2024 ONSC 3595](#).

¹⁴ *Notice of Application dated February 4, 2025 (Third Party Records)*, AAB at tab 11.

24. The Trial Judge ordered the production of relevant records in the possession of TD Bank and the RCMP.

25. The Trial of the charges took place on August 14, 2025. The evidence consisted of the oral testimony of the arresting officer Sgt. Jason Riopel, an agreed statement of fact, a 12-minute police drone video, excerpts of Mr. Blackman's Facebook profile including a video, and photos of Mr. Blackman taken following his arrest. The Trial Judge convicted Mr. Blackman of both charges.

E. The Stay Application Evidence

26. Mr. Blackman's application for a stay of proceedings was heard on August 21, 2025. The evidence consisted of the oral testimony of Mr. Blackman and RCMP Superintendent Denis Beaudoin as well as an agreed statement of fact (Exhibit 1) and an affidavit of Supt. Beaudoin filed in a similar proceeding (Exhibit 2).

27. The agreed statement of fact is essentially a summary of the information and documents obtained following the *O'Connor* application. On February 18, 2022, Cpl. John Gordon Jones of the RCMP sent correspondence to TD Bank identifying Mr. Blackman and providing information purporting to be "relevant to individuals or entities that are engaged directly or indirectly in an activity prohibited by sections 2 to 5" of the *EEMO*. Attached to Cpl. Jones' correspondence was an Appendix prepared by RCMP Sgt. Benjamin Bertrand. The report alleged that a vehicle registered to Mr. Blackman was observed on the Sir John A. MacDonald Parkway ("SJAM") by an Ontario Provincial Police "covert asset" on February 16, 2022, at 1:24 pm.¹⁵

¹⁵ *Stay Application Exhibit No. 1: Agreed Statement of Fact*, ABA at tab 9.

28. The agreed statement of fact further indicates that on February 19, 2022, TD Bank wrote to Corporal Kelley Hughes of the RCMP to report that it had identified property in its possession or control which it believed was owned by a designated person under the *EEMO*. TD Bank reported that it had frozen the accounts of a list of individuals, including Mr. Blackman.

29. Mr. Blackman testified that his last banking transaction before the arrest occurred on the morning of February 18, 2022, when he withdrew approximately \$300 from a TD Bank ATM in Ottawa.¹⁶ After his arrest that day and subsequent release, he discovered his TD accounts were frozen when he could not pay for a coffee at Tim Hortons.¹⁷ He called TD the next morning (February 19) but received no explanation, reason, or timeline for unfreezing.¹⁸ The accounts remained inaccessible until the morning of February 22, 2022, four days later.¹⁹ To prepare for uncertainty after the *Emergencies Act* invocation, he had withdrawn approximately \$15,000 in cash on February 14 and left it at home with his then-fiancé.²⁰

30. The freezing of Mr. Blackman's bank accounts caused immediate personal and business impacts. Two of his pre-authorized payments bounced (son's education savings fund, incurring the first of five "strikes" toward losing the contract; internet bill). His self-employed sheet-metal business could not invoice clients or pay suppliers, forcing him to delay material payments while he paid employees from the pre-withdrawn cash.²¹

¹⁶ *Stay Application Proceedings* at p. 8, ll. 1-5, AAB at tab 13.

¹⁷ *Stay Application Proceedings* at p. 9, ll. 11-20, AAB at tab 13.

¹⁸ *Stay Application Proceedings* at p. 10, ll. 3-15, AAB at tab 13.

¹⁹ *Stay Application Proceedings* at p. 12, ll. 9-17, AAB at tab 13.

²⁰ *Stay Application Proceedings* at p. 11, ll. 2-14, AAB at tab 13.

²¹ *Stay Application Proceedings* at p. 13, ll. 15-32, AAB at tab 13.

Personally, the uncertainty created financial worry for his young family (including a two-year-old son) during the tail end of COVID and was “one of the calluses” that ended his relationship with his then-fiancé.²² He had no prior discussions with police or RCMP about potential account freezing.²³

31. Superintendent Denis Beaudoin testified that in February 2022 he was the RCMP’s Director of Financial Crime.²⁴ Under the EEMO, the RCMP’s role was to act as a conduit sharing police-gathered information with financial institutions. It did not freeze accounts or decide “designated person” status.²⁵ The information came almost exclusively from the OPP and consisted of two streams: identities of approximately 15 main suspects/leaders already under criminal investigation and licence-plate/vehicle data of vehicles in the Ottawa protest zone.²⁶ In total, the RCMP disclosed information on 57 individuals/entities, leading to 257 accounts being frozen by the financial institutions themselves.²⁷ Sharing began around 17 February 2022 and lasted roughly one week.²⁸

32. Supt. Beaudoin had no personal involvement in or direct knowledge of Evan Blackman’s case other than being informed by TD that some of Blackman’s accounts had been frozen.²⁹ Accounts began unfreezing shortly after police cleared downtown Ottawa,

²² *Stay Application Proceedings* at p. 14, ll. 8-17, AAB at tab 13.

²³ *Stay Application Proceedings* at p. 14, ll. 18-21, AAB at tab 13.

²⁴ *Stay Application Proceedings* at p. 43, ll. 10-13, AAB at tab 13.

²⁵ *Stay Application Proceedings* at p. 50, ll. 1-18, AAB at tab 13.

²⁶ *Stay Application Proceedings* at p. 44, ll. 18-30, AAB at tab 13.

²⁷ *Stay Application Proceedings* at p. 47, ll. 1-6, AAB at tab 13. See also: *Stay Application Exhibit No. 2: Affidavit of Superintendent Denis Beaudoin dated April 4, 2022* at para. 20.

²⁸ *Stay Application Proceedings* at p. 46, ll. 5-11, AAB at tab 13.

²⁹ *Stay Application Proceedings* at p. 54, ll. 25-32, AAB at tab 13.

and on 21 February the RCMP advised financial institutions that, based on its information, the disclosed persons no longer met the designated-person criteria.³⁰

33. The stated policing purpose of the financial measures was to disrupt funding and encourage participants to leave the Ottawa protest.³¹ The measures were only implemented in relation to the Ottawa protest, as other protests at border crossings across the country had ceased by that point. Supt. Beaudion believes that the measures accomplished their purpose with the assistance of the simultaneous police enforcement operation.³²

F. The Defence Theory of the Stay Application

34. With regards to the issue of standing, the defence theory of the stay application was that the criminal proceedings against Mr. Blackman were “tainted” by the unlawful freezing of his bank account and compelled disclosure of his financial information to the RCMP. A proceeding will be “tainted” where abusive conduct occurred in the course of the proceedings or “in the course of a police investigation or operation that targeted the accused” or otherwise served to gather evidence to prove that the accused was guilty of the charge or charges laid against them.³³ Counsel before the application judge argued that the financial measures and the police enforcement action that led to his arrest were “two sides of the same coin” and that the actions of one, tainted the other.³⁴

³⁰ *Stay Application Exhibit No. 2: Affidavit of Superintendent Denis Beaudoin dated April 4, 2022* at para. 30.

³¹ *Stay Application Proceedings* at p. 53, ll. 18-28, AAB at tab 13.

³² *Stay Application Proceedings* at p. 55, ll. 13-19, AAB at tab 13.

³³ *Notice of Application dated July 23, 2025 (Stay of Proceedings)* at para 43, AAB at tab 12.

³⁴ *Notice of Application dated July 23, 2025 (Stay of Proceedings)* at para 49, AAB at tab 12.

G. Reasons for Judgment

35. The Trial Judge reserved judgment and ultimately released the Decision on November 21, 2025, which addressed both the determination of criminal liability and the stay application.

36. The Trial Judge dismissed the stay application after determining that Mr. Blackman did not have standing. The relevant portion of the Decision is reproduced in full below:

[12] I agree with the Crown position that there is no nexus between the impugned conduct (freezing of assets) and the arrest on February 18. Mr. Blackman's assets were frozen pursuant to the EEMO based on information from police that his vehicle was parked in the protest zone on February 16. Mr. Blackman was arrested on February 18 because he violated the *Criminal Code*. Sgt. Riopell, the arresting officer, testified that he had no idea Mr. Blackman's assets were frozen.

[13] Put another way, Mr. Blackman's assets would have been frozen even if he had left Ottawa on February 17 and not attended the downtown core February 18. Similarly, Mr. Blackman would have been arrested on February 18 for the offences before the court even if he never parked his vehicle in the protest zone on February 16. The two are unconnected.

[14] As a result, I conclude that Mr. Blackman did not have standing as described in *R. v. Brunelle*, [2024] SCJ No. 3 at para. 39. I find no connection between the alleged abusive conduct, that is the freezing of the bank accounts, and the arrest. It did not taint the police investigation. And, it had no effect on the criminal proceedings against Mr. Blackman.³⁵

PART III – ISSUES AND THE LAW

37. The Appellant raises three interrelated issues on this Application:

- i) The appropriate standard of review;

³⁵ *Reasons and Decision of the Honourable Judge Blouin dated November 21, 2025 at paras. 12-14, AAB at tab 3.*

- ii) Whether the legal test for standing in a stay application was articulated and applied correctly by the Trial Judge; and
- iii) Whether the Trial Judge’s reasons for dismissing the stay application in the Decision were insufficient.

ISSUE #1: The standard of review for all issues raised on this appeal is correctness

38. The standard of review on a pure question of law is correctness.³⁶ This standard applies to both substantive issues raised on this appeal.

39. When assessing a trial judge’s reasons, appellate courts apply a functional and contextual approach and presume that the trial judge knows the law. It is through reasoned decisions that judges are held accountable to the public, ensuring transparency in the adjudicative process and satisfying both the public and the parties that justice has been done in a particular case. What is required are reasons that are sufficient in the context of the case for which they were given.³⁷

ISSUE #2: The Test for Standing in a Stay Application was stated and applied incorrectly by the Trial Judge

The Governing Framework

40. For a stay to be an appropriate remedy to a particular instance of state misconduct that undermines the integrity of the justice system, the criminal proceedings against the accused must be “‘tainted’ by the abusive conduct.”³⁸

41. The leading case defining the word “tainted” in this context is the Supreme Court of Canada’s (“SCC”) 2024 decision in *R. v. Brunelle*.³⁹ In that case the listed appellants

³⁶ [Housen v Nikolaisen](#), 2002 SCC 33 at paras. [8-9](#).

³⁷ [R. v. G.F.](#), 2021 SCC 20 paras. [68-82](#);

³⁸ [R. v. Brunelle](#), 2024 SCC 3 at para. [55](#) [*Brunelle*].

³⁹ [Brunelle](#).

were arrested in a large-scale police operation investigating organized cannabis trafficking across Quebec districts. They faced drug-production, trafficking, and criminal-organization charges. The applicants moved for a stay of proceedings under s. 24(1) of the *Charter* alleging an abuse of process arising from an accumulation of police infringements of sections 8 and 10(b).

42. On the meaning of “tainted,” the Court held that, for residual-category abuse of process under section 7, there must be a sufficient causal connection between the abusive state conduct and the proceedings. The criminal proceedings against an accused are “tainted” where the abusive conduct occurred “in the course of the investigation or police operation targeting the accused or the criminal proceedings against them.”⁴⁰ This nexus exists even if an accused was not personally the victim of every infringement or of any trial-fairness breach, provided the operation as a whole targeted that person. All 31 appellants therefore had standing, because they were targeted by the same operation that exhibited the abuses.⁴¹

43. The facts of the case in *Brunelle* are illustrative. Every appellant was informed of the right to counsel immediately upon arrest. For those arrested in the initial morning wave who requested counsel right away (the majority of the group), police followed a systematic practice of deferring access until arrival at the station (delays of 23 minutes to 1 hour 6 minutes). One person received access in the police vehicle; the rest waited. Critically, **no** appellant was questioned or gave any statement during the delay period, so the conduct produced no derivative evidence and had zero impact on the validity of the arrests or on

⁴⁰ [Brunelle](#) at para. [56](#).

⁴¹ [Brunelle](#) at para. [64](#).

the proceedings. A subset of appellants experienced no delay at all, some did not request counsel at the scene, some expressly declined or said they already had counsel, and some were arrested later in the day or self-surrendered with counsel present.⁴²

44. With regards to section 8 infringements, police obtained 44 general warrants, 20 of which required notice of the covert search to be given by a fixed date. All 20 executed warrants were performed without any notice ever being given. This procedural breach affected only those appellants whose premises or devices were searched under those specific warrants. The searches themselves were completed as authorized, all physical and digital evidence was seized, and the failure to notify had no bearing on the probable cause for the searches, the lawfulness of the arrests, or the charging process.⁴³

45. Further, a number of warrants issued in one judicial district were executed in another without the required endorsement. Again, this was a procedural lapse affecting only the appellants whose locations fell in the second district. The decision does not suggest that the lack of endorsement invalidated the underlying authorization, invalidated the grounds for arrest, or the admissibility of any seized material.⁴⁴

46. Ultimately, the SCC found that “all of the appellants have standing to apply for a remedy under section 24(1) of the *Charter* even though some of them were not the victims of any of the infringements constituting the alleged abuse of process or of any breach of trial fairness.”⁴⁵

⁴² [Brunelle](#) at paras. [10-12](#).

⁴³ [Brunelle](#) at paras. [12-15](#).

⁴⁴ [Brunelle](#) at paras. [12-15](#).

⁴⁵ [Brunelle](#) at para. [5](#).

Application of the Governing Framework to the Decision

47. Returning to the Trial Judge’s decision, the Trial Judge repeatedly emphasizes that there is no connection between the between the impugned conduct and Mr. Blackman’s “arrest”.⁴⁶ He relies on the following reasoning: “*Mr. Blackman’s assets would have been frozen even if he had left Ottawa on February 17 and not attended the downtown core February 18. Similarly, Mr. Blackman would have been arrested on February 18 for the offences before the court even if he never parked his vehicle in the protest zone on February 16.*”⁴⁷

48. This is a misarticulation of the legal test for standing to bring a stay application which does not require a but-for connection to the arrest. Standing requires that the conduct in question “have occurred in the course of the investigation or police operation targeting the accused or the criminal proceedings against them” (emphasis added).⁴⁸ Some of the *Charter* breaches outlined in *Brunelle* did not directly impact some the applicants at all, let alone providing for a direct connection to their arrests. What was relevant in *Brunelle*, and is relevant in the case at bar, is whether the *Charter* breaches occurred in the context of a police operation that targeted the accused.

49. This was more than a mere slip of a pen or awkward phrasing on the part of the Trial Judge. Rather, the reasons as a whole demonstrate that the Trial Judge applied the wrong legal standard. In particular, the reasons fail to mention or engage with the defence

⁴⁶ *Reasons and Decision of the Honourable Judge Blouin dated November 21, 2025 at paras. 12-14, AAB at tab 3.*

⁴⁷ *Reasons and Decision of the Honourable Judge Blouin dated November 21, 2025 at para. 13, AAB at tab 3.*

⁴⁸ [Brunelle](#) at para. [56](#).

theory of standing on the stay application and any of the evidence which supports that theory.

50. Again, the defence theory of the stay application was that the “enforcement operation” to physically remove protestors and the financial measures under the EEMO, were “two sides of the same coin.” The evidence on the stay application, which was largely uncontroverted, established the following:

- i) The same policing agencies (RCMP, OPP, and Ottawa Police Service) were simultaneously engaged in both the physical enforcement operation and the *EEMO* financial measures.
- ii) Both streams of activity occurred in the same geographic area (downtown Ottawa and the immediate approaches, including the Sir John A. Macdonald Parkway) during the same narrow time frame (mid-February 2022).
- iii) Both streams had the identical objective: to remove protestors and their vehicles from the downtown core and restore public order. Superintendent Beaudoin expressly confirmed that the financial measures were intended to disrupt funding and encourage participants to leave and that they accomplished their purpose with the assistance of the simultaneous police enforcement operation.

51. The Trial Judge’s repeated insistence on the absence of a nexus between the “arrest” and the s. 8 infringement, his improperly applied hypothetical scenarios that improperly focus on “but-for” causation, and his failure to address the defence theory and

any supporting evidence constitute a misstatement and misapplication of the law of standing in a stay application and a clear legal error.

C. Issue #3 The Trial Judge's reasons were insufficient

The Governing Framework

52. A trial judge's reasons in a criminal case, read as a whole in the context of the evidence and the arguments at trial, must be sufficient to explain the verdict to the accused, to provide public accountability and to permit effective appellate review. Where an appellate court cannot discern the basis for the verdict such that meaningful appellate review is impossible, this constitutes an error of law".⁴⁹

53. The sufficiency of reasons is assessed on a functional and contextual basis. Reasons must be read as a whole, in light of the evidence adduced, the live issues at trial, the submissions of counsel, and the full record. They need not be perfect, exhaustive, or address every piece of evidence or argument; nor must they demonstrate in minute detail every step in the reasoning process. What is required is that the reasons show that the judge has seized the substance of the critical issues and demonstrate a logical connection between the evidence and the conclusion so that the "what" and the "why" of the decision are reasonably intelligible.⁵⁰

54. Appellate intervention is justified only where the appellant demonstrates both a deficiency in the reasons and that the deficiency has occasioned prejudice to the right of appeal by preventing meaningful appellate review of the correctness of the decision. If the basis for the verdict is apparent from the reasons when read in context or from the

⁴⁹ [R. v. G.F.](#), 2021 SCC 20 at para 108.

⁵⁰ [R. v. R.E.M.](#), 2008 SCC 51 at paras. 15-57.

record as a whole, no intervention is warranted even if the reasons could have been fuller.⁵¹

Application of the Governing Framework to the Decision

55. The Trial Judge's reasons for dismissing the stay application are as follows:

[12] I agree with the Crown position that there is no nexus between the impugned conduct (freezing of assets) and the arrest on February 18. Mr. Blackman's assets were frozen pursuant to the EEMO based on information from police that his vehicle was parked in the protest zone on February 16. Mr. Blackman was arrested on February 18 because he violated the *Criminal Code*. Sgt. Riopell, the arresting officer, testified that he had no idea Mr. Blackman's assets were frozen.

[13] Put another way, Mr. Blackman's assets would have been frozen even if he had left Ottawa on February 17 and not attended the downtown core February 18. Similarly, Mr. Blackman would have been arrested on February 18 for the offences before the court even if he never parked his vehicle in the protest zone on February 16. The two are unconnected.

[14] As a result, I conclude that Mr. Blackman did not have standing as described in *R. v. Brunelle*, [2024] SCJ No. 3 at para. 39. I find no connection between the alleged abusive conduct, that is the freezing of the bank accounts, and the arrest. It did not taint the police investigation. And, it had no effect on the criminal proceedings against Mr. Blackman.⁵²

56. The defence advanced a theory supported by evidence: the public order operation and the EEMO financial measures were components of one overarching police operation targeting Mr. Blackman and other protestors. That theory was put in writing in a Form 1 Notice of Application and repeated in oral submissions after the evidence closed. It rested

⁵¹ *R. v. Sheppard*, 2002 SCC 26 at paras 33.

⁵² *Reasons and Decision of the Honourable Judge Blouin dated November 21, 2025* at paras. 12-14, AAB at tab 3.

on the testimony of Superintendent Beaudoin, the agreed statement of fact, and the RCMP/TD correspondence produced on the O'Connor application.

57. Nowhere in the Decision does the Trial Judge:

- i) acknowledge defence counsel's "two sides of the same coin" submission
- ii) mention Superintendent Beaudoin by name or summarize any part of his evidence;
- iii) mention any other evidence that supported the defence theory including that the same agencies, at the same time and place, pursued an identical goal;
- iv) reconcile his conclusion with *Brunelle's* holding that an accused need not be personally victimized by every *Charter* breach provided the operation as a whole targeted him.

58. Instead, the Decision adopts the Crown's narrow "no nexus to the arrest" position and repeats it multiple times. The only evidence referenced is Sgt. Riopel's statement that he did not know the accounts were frozen. The balance of the evidence that went directly to the defence theory is simply ignored.

59. An appellate court reading these reasons cannot know whether the Trial Judge (i) rejected the integrated operation theory on the evidence, (ii) misunderstood the *Brunelle* test, or (iii) simply overlooked the defence submissions and the Beaudoin evidence altogether. Where the basis for rejecting the central argument is not discernible, meaningful appellate review is impossible. That deficiency is an error of law in itself.

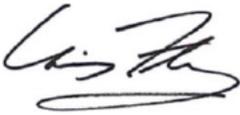
PART IV - ORDER REQUESTED

60. The Appellant respectfully requests that this Honourable Court allow this appeal and order a new hearing of Mr. Blackman's application for a stay of proceedings.

PART V – TIME LIMITS FOR ORAL ARGUMENT

61. The Applicant respectfully requests that two hours be set for the hearing of this appeal.

All of which is respectfully submitted this 5 day of March 2026.



Christopher Fleury
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Hatim Kheir
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Charter Advocates Canada



Counsel for the Appellant
Evan Blackman

Schedule “A”
Authorities to be Cited

[Housen v Nikolaisen](#), 2002 SCC 33

[R. v. G.F.](#), 2021 SCC 20

[R. v. Brunelle](#), 2024 SCC 3

[R. v. R.E.M.](#), 2008 SCC 51

[R. v. Sheppard](#), 2002 SCC 26

Schedule “B”
Relevant Legislative Provisions

[Emergencies Act](#), RSC 1985, c 22 (4th Supp)

[Proclamation Declaring a Public Order Emergency](#), SOR/2022-20

[Emergency Measures Regulations](#), SOR/2022-21

[Emergency Economic Measures Order](#), SOR/2022-22