

## **Motion to Dismiss – Criminal Charges**

This case study is of a BC woman who entered a grocery store and was accosted by store staff who attempted to force the defendant to verbally swear she would remain 6 feet apart from other store shoppers.

The defendant had no history of violated the public health orders, nor the store policy. It was unreasonable and inflammatory for the staff to request the defendant make this verbal declaration.

The defendant was charged outside of the notification period as required by the criminal code of Canada and her own legal defence (who was later dismissed) admitted that neither her nor the crown had reviewed the evidence (store surveillance video) before proceeding with a trial date.

This document is the formal court motion, using the court form, that was put forward to the crown prior to the trial.

PROVINCIAL COURT OF BRITISH COLUMBIA

NOTICE OF APPLICATION

REGINA

Applicant/Respondent

v.

\_\_\_\_\_ )

Applicant/Respondent

**TAKE NOTICE** that an application will be made by \_\_\_\_\_ (Woolman) to the court on \_\_\_\_\_ day, the \_\_\_\_\_ day of 20\_\_\_\_, at the courthouse at 500 - 13<sup>th</sup> Ave, Campbell River, British Columbia, BC, V9W 6P1 for an order granting the dismissal of the following criminal charges; 1 count of Causing a Disturbance as per section 175(1)(a) of the Criminal Code, 2 counts of Assault as per section 266 of the Criminal Code.

**IN SUPPORT OF THIS APPLICATION, THE APPLICANT RELIES UPON THE FOLLOWING EVIDENCE:**

1. *(Set out document such as affidavits, transcripts, etc., upon which the applicant relies.)*

I would like to put forward a motion to have all the charges dismissed because I was not charged within the 12-month period, which is required as per section 786(1) of the Criminal Code of Canada;

*Except where otherwise provided by law, this Part applies to proceedings as defined in this Part. (2) No proceedings shall be instituted more than 12 months after the time when the subject matter of the proceedings arose, unless the prosecutor and the defendant so agree.*

There was no reason for the delay as my address has been known to the police at least since the summer of 2019 when they were investigating a complaint my sister and I made regarding a problem with my mother in a long-term care home. As I am disabled and I am home almost all the time it would have been easy to reach me in person or home, or it could have been delivered by registered mail.

In addition, I was advised by my former lawyer on April 19, 2022, that neither she nor the crown had reviewed the crown's video evidence that was acquired from the store's surveillance. It's evident in the Crown's evidence surveillance video that in fact it was

me who was harassed and confined by the store employees without a reason, and then arrested.

I had also requested the witness list from the Crown on May 19<sup>th</sup>, 2022, and also on June 9<sup>th</sup>, 2022. And in my court appearance on the date of June 13<sup>th</sup> I asked the Court to provide the witness list and the will-states. Justice Flewelling ordered the Crown to provide the list of witnesses to me, which the Crown agreed. On June 13, 2022, the Crown emailed me a "list of the witnesses that the crown anticipates calling in this Matter". The Crown has refused to provide the contact information of the witnesses that will be called at trial. As the Crown has failed to provide the witness list within the 28-day required time limit, and there is no evidence on the surveillance video nor witnesses; therefore, the court cannot move the prosecution forward.

Furthermore, this is a violation of my right to liberty protected in Section 1(a) of the Canadian Bill of Rights because I was confined and arrested without cause.

It is expected that 30 minutes will be needed for the hearing of this application.

The appellant's email address for delivery [REDACTED]

The appellant's telephone number is [REDACTED]

Dated at Campbell River this 13<sup>th</sup> day of July, 2022.

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*(Signature of applicant or counsel)*

[REDACTED]