

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.

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 19th, 2022, and also on June 9th, 2022. And in my court appearance on the date of June 13th 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 13th day of July, 2022.

(Signature of applicant or counsel)

[REDACTED]