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COURT

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JUDICIAL CENTRE

EDMONTON

APPLICANTS

CHASITY PHILLIPS and RHONDA SPENCE

RESPONDENTS

EDMONTON POLICE SERVICE, ALBERTA CR
PROSECUTION SERVICE, ALBERTA ATTORNEY
GENERAL: MINISTER OF JUSTICE



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SHARON ROBERTS LAW GROUP

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WRITTEN SUBMISSIONS OF THE APPLICANTS FOR A
JUDICIAL REVIEW THRESHOLD HEARING ON NOVEMBER 18, 2025
COMMENCING AT 10:00 AM BEFORE THE HONOURABLE JUSTICE RENKE

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OVERVIEW

1. The Applicant, Rhonda Spence (“**Spence**”) is the maternal grandmother and legal guardian of a 13-year old boy, Eric Omeasoo (“**Eric**”). The Applicant, Chasity Phillips (“**Phillips**”), is one of Eric’s maternal aunts. The Applicants brought the within Judicial Review proceeding as self-represented litigants in pursuit of justice for Eric and the truth about his death.
2. Eric died violently at the hands of a convicted felon with a current weapons ban, numerous prior convictions under two different names, and outstanding charges in multiple jurisdictions. The Edmonton Police Service (“**EPS**”) has unwaveringly characterized Eric’s homicide and his killer’s actions as “self defence”, despite evidence to the contrary.
3. Respectfully, the Applicants submit that the evidence they have painstakingly gathered – almost entirely without professional supports or financial means, i.e., with one hand behind their backs – suggests that Eric was not merely stabbed in his heart by a convicted felon with outstanding warrants and a weapons ban, but chased - and subsequently stabbed repeatedly in the back and upper leg, beaten in the face, and his body hidden under the LRT platform overhang in his killer’s final act of indignity. Tragically, the acts of indignity to Eric and his body did not end there.
4. Eric’s family, represented by the Applicants, Spence and Phillips, has had no communications from or with the Alberta Crown Prosecution Service (the “**Crown**”). The Applicants were informed by EPS that the Crown determined there would be “no reasonable likelihood of conviction” if charges were laid against Eric’s killer, based on the self defence provisions in section 34 of the *Criminal Code*.¹
5. The Applicants respectfully submit that there is no air of reality to the suggestion a career criminal in breach a weapons ban – held a reasonable belief that he or his wife were in danger from a slight, 13 year old [REDACTED]
6. the Applicants seek confirmation from this Honourable Court that there is no air of reality to the suggestion [REDACTED] child was murdered in self defence by a career criminal a proper evidentiary foundation for abuse of process exists, such that the Judicial Review may proceed. Further, the Applicants seek assistance from this Honourable Court in ensuring that the Record produced by the Respondents includes all evidence relevant and material

FACTS

A. BACKGROUND

7. Spence became Eric’s legal guardian under a Guardianship Order granted in 2013, shortly before Eric’s second birthday. Eric’s mother, Sharisse Monkman, consented to the Order.²
8. Eric was raised in Spence’s home, and often spent time at his great grandmother’s home, which is located near the MacEwan LRT station. Spence has done frontline addictions work for almost

¹ [Criminal Code](#), RSC 1985, c C-46, s. 34.

² Affidavit of Rhonda Spence [REDACTED]

20 years and is a Canadian Certified Addiction Counsellor and there was no alcohol or substance us at Eric's home.³

9. Eric had a strong sense of community, enjoyed cultural ceremonies, was an Indigenous drummer, loved to skate and play hockey, attending Oilers games with his uncle, swimming, boxing, video games and basketball.⁴

10. [REDACTED]

11. [REDACTED]

B. FEBRUARY 5, 2025

12. Eric only attended at the MacEwan LRT station on the night of February 5, 2025 to meet up with some friends and exchange sweaters with another youth. He was having a sleepover at his maternal great grandmother's house, two blocks from the LRT station, and made plans to get a sweater at 10:45 pm. Eric promised his auntie, who lives with his great grandmother, that he would be right back.⁶

13. On February 5, 2025 at approximately 11:45 pm, Eric was stabbed in the chest, back, and upper leg by a 34-year old man with numerous prior criminal convictions under the names of Michael Steven Lucier and Michael Steven Polacsek, and who also goes by 'Dallas' ("Lucier") at the MacEwan LRT station in downtown Edmonton beside Roger's Place.⁷

14. The Applicants suspect and some of the evidence before this Honourable Court supports a finding that, in addition to making an initial stab wound in Eric's chest, Lucier continued to pursue Eric at the track level and may have attempted to ensure Eric's timely demise and concealment of his body under the LRT platform overhang after an eyewitness reported seeing Lucier push Eric off the station platform to the tracks below, once Lucier had chased Eric to the eastern side of the platform, out of range of a lay witness's bystander video.⁸

15. Cellular telephone video footage taken by a lay witness who at the time resided near the MacEwan LRT station shows the following:

a. Lucier, entering the LRT station platform from the west, approaches one of the female youth who is separated from the others and the two of them encircle a sign in the centre portion of the station platform for several seconds;

³ Affidavit of Rhonda Spence

⁴ Affidavit of Chasity Phillips s

⁵ Affidavit of Chasity Phillips s

⁶ Affidavit of Chasity Phillips s

⁷ Affidavit of

⁸ Affidavit

- b. Lucier is holding an object covered with black cloth at all times in his left hand, and keeps that hand at the ready and out of any pockets while encircling the sign with the single female youth;
- c. The separated female youth is carrying what appears to be a form of spray – bear, mace, pepper or the like – and wields it at Lucier when she notices he has gotten close;
- d. For some time, Lucier and the single female youth encircle a solid, stationary lighted sign located on the platform;
- e. Eric approaches the separated female youth and Lucier, his face unmasked, carrying what appears to be a katana (a long, narrow, sheathed blade);
- f. Eric pursues Lucier and the two travel to the far west side of the LRT station platform;
- g. Along the way, Eric unsheathes the blade and drops the katana and another object, picks them up while Lucier stops retreating;
- h. At the end of the platform, Lucier stops completely and assesses Eric, who does not advance, but waits for Lucier to make the next move;
- i. Lucier leaves the platform, heading west;
- j. Eric more slowly follows Lucier down the walkway to the west of the LRT platform, is passed by the formerly separated female youth, who is holding out the spray can away from herself, in the direction Lucier had left;
- k. Past the lighted signs, a female and a male youth kick and drag a woman lying on the platform, the woman (Mikaelah Hudson (“**Hudson
- l. The first video ends;
- m. The second video begins with Eric outside the enclosed glass “vestibule” or warming area located in the centre of the LRT station platform while Lucier and another man are opposite him, to the west;
- n. There is no sign or sound to indicate that Hudson remains on the platform (EPS later confirms she had fallen onto the tracks);
- o. At this point, there is no sign of Lucier retreating, and Eric advances in a jousting motion, swinging the katana from left to right, without aiming at Lucier or the other man;
- p. Lucier measures his movements, waits for an opportunity, and makes a swift jab into and out of Eric’s chest, with precision and attentiveness;
- q. Eric immediately recoils backwards in a diagonal, pulling backward the left side of his chest, where he was struck, and, swinging his blade half heartedly, turns and lopes then runs away;
- r. Another male youth, previously standing behind Eric, briefly advances to slash the air in front of Lucier, but quickly also retreats and runs after Eric;**

- s. The man standing near Lucier when the second video started – who has barely moved for the duration of the video to this point – yells “Pussies!” at Eric and the other male youth who are running away;
- t. Lucier yells “I’ll kill you!”, then “You’re dead, too!”, and, finally, “You’re all fucking dead!” as he runs, machete drawn in his right hand and black-clothed object in his left hand, chasing Eric and the other male youth east on the platform, around the far end of the glass vestibule;
- u. The other man runs after Lucier and around the vestibule;
- v. Although it is possible to see at least two individuals on the other side of the glass vestibule, it is difficult if not impossible to see if Eric is among them;
- w. No uniformed EPS officers were on the platform during either video;
- x. The second video ends.⁹

16. Lucier was observed by another individual present at MacEwan LRT station pushing Eric off the platform, to where the train tracks run.¹⁰

17. Eric’s body was found tucked under the overhang of the LRT station platform, only after at least one train had passed by.¹¹ EPS reported having attended MacEwan LRT station at 11:41 pm on February 5, 2025, but did not make their way to the platform, and underneath, to where Eric’s body was ultimately found, until much later, by which time Rhonda Spence was told that Eric was declared deceased, without lifesaving measures being taken.¹²

18. The Applicants’ requests for access to Edmonton Transit Service video footage, or any video footage from the surrounding area cameras (Epcor, Roger’s Place, etcetera) have been declined by EPS. Detectives have advised the Applicants “some things are just for us”.¹³

C. EPS INVESTIGATION

19. Despite the requirements of the Fatality Inquiries Act, notice of Eric’s death was not made in a timely fashion to either the Office of the Child and Youth Advocate within 30 days of February 5, 2025, or until July 2025.

20. Eric’s body remained on site at the MacEwan LRT station until late morning on February 6, 2025. Global news footage shows a body bag, presumably with Eric’s body inside, propped up on the platform well into the morning on February 6, 2025.¹⁴

⁹ Affidavit of [REDACTED]
videos at Supplemental Affidavit of Chasity Phillips

¹⁰ Affidavit of [REDACTED]

¹¹ Affidavit of [REDACTED]

¹² Affidavit of Rhonda Spence

¹³ Affidavit of Rhonda Spence

¹⁴ Supplemental Affidavit of Chasity Phillips sworn

21. By the time the medical examiner received Eric's body, it required time to thaw before an autopsy could be performed.¹⁵
22. Because Eric's death was deemed suspicious from the outset by EPS, EPS officers attended for the autopsy. Eric's family learned that the medical examiner responsible for completing Eric's autopsy was shown video footage only available to EPS before commencing the autopsy, and that the medical examiner and Office of the Chief Medical Examiner took no photos of Eric's body themselves.¹⁶

D. EPS PRESS RELEASES WRONGLY SUGGEST ERIC WAS INVOLVED IN ASSAULT

23. Spence was told explicitly by EPS that Eric was neither the aggressor nor the initiator in events that occurred the night of his death.¹⁷
24. Lucier and Hudson have also each acknowledged that Eric had no involvement in the alleged attack on Hudson. Lucier and Hudson each described Eric as having attempted to "mediate" between the parties and not having been involved with, and not having wanted Hudson to be hurt by the other youths.¹⁸
25. The video footage provided by a then resident bystander confirms that Eric was not involved in assaulting Hudson, and a review of that video footage does not give rise to a reasonable inference that Eric intended to cause harm or enable harm to either Lucier or Hudson.¹⁹
26. Despite these facts, by the afternoon of February 6, 2025, EPS issued a press release that announced the death of a 13 year old male, with no age identified, and the arrest of 5 individuals. The press release was issued at the same time or prior to EPS notifying Eric's grandmother and legal guardian, Spence, of his death.²⁰
27. Sometime between approximately 3:00 and 4:00 pm on February 6, 2025, EPS members attended Spence's home and, ultimately, informed Spence that Eric was deceased.
28. Spence was also informed on February 6, 2025 that EPS had attended at the MacEwan station at 11:00 pm, right after a call came in, and at around the time Eric died. From this, Spence understood Eric had died at approximately 11:00 pm – approximately 15 minutes after he had left his great grandmother's home.
29. By February 7, 2025, EPS issued a second press release that reduced the number of arrests with charges to the three youth and one adult (aged 18) that Eric had met up with when he attended at the MacEwan station to exchange sweaters with one of the female youth.
30. On February 6, 2025 – the same day that officers attended Spence's home to deliver the news of Eric's homicide – EPS issued a press release that more accurately reported their attendance at MacEwan LRT as commencing at 11:41 pm – approximately 3 to 4 minutes before Eric was stabbed fatally and chased, then pushed off the LRT platform by Lucier, who in the intervening period can be presumed to have delivered the other stab wounds to Eric's shoulder, back, and

¹⁵ Supplemental Affidavit of Chasity Phillips sworn [REDACTED]

¹⁶ Supplemental Affidavit of Chasity Phillips sworn [REDACTED]

¹⁷ Affidavit of Rhonda Spence sworn [REDACTED]

¹⁸ Supplemental Affidavit of Chasity Phillips sworn [REDACTED]

¹⁹ Affidavit of [REDACTED]

²⁰ Affidavit of Rhonda Spence sworn [REDACTED]

right groin/upper leg, as seen in his clothing and detected by Spence and Phillips during their attendance at the Medical Examiner's officer.

31. On February 7, 2025, media coverage further maligned Eric based on the second EPS press release that reported on Eric's (i.e., "13-year old male who police located deceased") autopsy, and expressly communicated to the press that Eric "was part of a group of four youths and one 18-year-old male who reportedly assaulted a 34-year-old male and a 32-year-old female at the LRT station", even though the LRT video – like the bystander video – would have clearly shown EPS and the Crown that Eric was not, in fact, involved in assaulting either Lucier or Hudson.
32. On March 4, 2025, EPS and/or the Crown issued another press release, which media picked up and published, stating not only that charges would not be laid in Eric's death, but again maligning him while protecting his killer, Lucier, as a "vulnerable inner city community member". Three weeks later, Lucier was arrested yet again for breaching his weapons ban, among other offences.²¹
33. To the extent that the Crown and/or EPS sought to rely on a self defence pretext for not charging Lucier with culpable homicide,

E. INDIGNITIES TO ERIC AND HIS BODY

34. Eric's body remained at MacEwan LRT station until late morning February 6, 2025. In fact, televised coverage of the EPS investigation showed Eric in a body bag, propped up against a bench on the station platform.²²
35. Eric's autopsy was held between 9:15 and 11:17 am on February 7, 2025. His body was then taken to Connelly-McKinley funeral home, reportedly arriving at 1:54 pm on February 7, 2025.²³
36. The evidence before this Court gives rise to a reasonable inference that Eric was hunted and stabbed or perhaps even suffocated and hidden after the alleged fatal stab wound he received. Certainly, Lucier communicated to all in earshot his clear and unequivocal intent to kill not merely Eric, but any of the other youth he could access on February 5, 2025.
37. Failing to lay charges for Eric's murder is a further indignity, from the perspective of those who love him and share his culture and believe in the sanctity of the body and human life.

F. LUCIER AND HUDSON ARE CROWN WITNESSES IN A MURDER TRIAL

38. After picking up documents for this proceeding from the Edmonton Law Courts Building on September 8, 2025, the Applicants saw Lucier and Hudson across the street from the courthouse, escorted by police into the courthouse to testify as Crown witnesses in a preliminary inquiry in advance of trial for the murder of Joshua Cardinal.²⁴
39. Given the unusual nature of Lucier and Hudson having a police escort, the Applicants attended the courthouse. They recognized that the murder of Joshua Cardinal was being spoken to in courtroom 455 and attended to observe as members of the public given the hearing was open. However, shortly thereafter EPS quickly demanded that the Applicants leave and accused them

²¹ Affidavit of [REDACTED]

²² Supplemental Affidavit of Chasity Phillips

²³ Supplemental Affidavit of Chasity Phillips

²⁴ Supplemental Affidavit of Chasity Phillips

of witness intimidation, yelling threats outside the courthouse, and lying about their intentions to observe an open court hearing as members of the public.²⁵

ISSUE

40. The sole issue for determination at this threshold hearing is whether there is evidence that, on a balance of probabilities, could support an allegation that the exercise of prosecutorial discretion in relation to Eric's homicide:

- a. amounts to flagrant impropriety;
- b. shocks the community's conscience;
- c. undermines the integrity of the justice system; or
- d. involved improper motives or bad faith,

and thereby warrants proceeding with the Judicial Review for abuse of authority.²⁶

LAW AND ARGUMENT

A. ABUSE OF PROCESS

41. *R v Anderson* ("Anderson") sought to offer clarity about the unique role the Crown occupies, particularly within the realm of criminal law.²⁷ Writing for a unanimous Court, Justice Moldaver differentiated between "tactics and conduct before the court" and "exercises of prosecutorial discretion" holding that while prosecutorial discretion is reviewable solely for abuse of process, the court "may exercise its inherent jurisdiction to control its own process even in the absence of abuse of process".²⁸

42. However, in keeping with the unique place the Crown holds, prior to a court embarking on a detailed review of any impugned conduct, the applicants must demonstrate, on a balance of probabilities, that abuse of process has occurred and a proper evidentiary foundation exists.²⁹ This requirement is best known as the oft-cited "Anderson Threshold".

43. The Anderson Threshold is a high bar: mere speculation³⁰ or the impact of a policy on defendants³¹ are insufficient. After all, the doctrine of abuse of process goes beyond the interests of an individual

²⁵ Supplemental Affidavit of Chasity Phillips [REDACTED], [REDACTED], [REDACTED].

²⁶ *Heffernan v Alberta*, 2008 ABQB 13 at [para 83](#).

²⁷ See, e.g., *R v Brunelle*, [2024 SCC 3](#), at para [27](#); *R v Anderson*, [2014 SCC 41](#), at paras [50-56](#); *R v Nixon*, [2011 SCC 34](#); *R v Chung*, [2024 ABKB 564](#), at paras [8-14](#); *Dumas v Alberta (Attorney General)*, [2025 ABKB 141](#), at para [1](#).

²⁸ *R v Anderson*, [2014 SCC 41](#), at paras [35-36](#).

²⁹ *R v Anderson*, [2014 SCC 41](#), at paras [51-55](#).

³⁰ See, e.g., *R v Mivasair*, [2025 ONCA 179](#), at paras [100-120](#).

³¹ See, e.g., *R v Quassa*, [2025 NUCJ 1](#).

party litigant and “focuses on the integrity of the entire system”.³² Indeed, this Court has previously highlighted:³³

“The courts must ‘dissociate themselves’ from ‘state conduct that constitutes an abuse of the judicial process.’ *Brunelle* at paras 1, 57, 59, 77. If courts do not identify and provide remedies for abuse of process, the courts risk being regarded by the public as being complicit in or as accepting the impugned conduct, and risk judicially-supervised legal processes being regarded as unfair. Failing to address abuse of process would undermine the legitimacy of the courts and legal processes.”

44. Alberta courts have recognized that the threshold imposed by the Anderson Threshold must be viewed in light of the inherent power imbalances that arise when challenging a decision involving prosecutorial discretion. That is, an applicant would “usually be at a disadvantage” owing to the lack of all information that was before the decision maker—and implicitly have limited ability to tender evidence at the hearing.³⁴
45. Accordingly, at an Anderson Threshold hearing, the applicant must demonstrate “some evidence on which, if believed, a court ultimately hearing the judicial review, acting judicially could conclude that the Crown’s decision involved an abuse of process.”³⁵ This evidence may be either direct, or circumstantial that is reasonably capable supporting inferences that would support an allegation of abuse of process.³⁶ More recently, this Court described this threshold as “a real and substantial possibility of bad faith or improper motives.”³⁷
46. This threshold arises from the exercise of balancing competing public interests with the accountability of those who hold a “quasi-judicial role as ‘ministers of justice’.”³⁸ Such was the case in *R v Delchev* (“**Delchev**”), where allegations of abuse of process and prosecutorial misconduct superseded the underlying principles that protected settlement discussions.³⁹
47. *Delchev* engaged with the limited guidance from the Supreme Court about how to review Crown decisions in line with *Anderson* and its related authorities. The Ontario Court of Appeal expanded on the principle enunciated in *R v Nixon* about “rare and exceptional events”⁴⁰ to develop two additional factors that can give rise to such circumstances⁴¹:
 - a. “[...] when the decision itself raises the court’s concern about the Crown’s exercise of discretion.”; and
 - b. “[...] the Crown’s decision must implicate interests that are of ‘crucial importance to the proper and fair administration of justice’.”

³² See, e.g., *Law Society of Saskatchewan v Abrametz*, [2022 SCC 29](#), at para [143](#).

³³ *R v Chung*, [2024 ABKB 564](#), at para [14](#).

³⁴ *Heffernan v Alberta*, [2018 ABQB 13](#), at para [51](#).

³⁵ *Heffernan v Alberta*, [2018 ABQB 13](#), at para [56](#); *Dumas v Alberta (Attorney General)*, [2025 ABKB 141](#) at para [34](#).

³⁶ *Heffernan v Alberta*, [2018 ABQB 13](#), at para [56](#); *Dumas v Alberta (Attorney General)*, [2025 ABKB 141](#) at para [35](#).

³⁷ *Dumas v Alberta (Attorney General)*, [2025 ABKB 141](#) at para [35](#).

³⁸ *R v Anderson*, [2014 SCC 41](#), at para [37](#).

³⁹ *R v Delchev*, [2015 ONCA 381](#), at paras [27-37](#); See also *Davidson (Re)*, [2025 ABKB 528](#) at para [99](#).

⁴⁰ *R v Nixon*, [2011 SCC 34](#), at paras [62-63](#)

⁴¹ *R v Delchev*, [2015 ONCA 381](#), at para [54](#).

48. Indeed, in a matter that involved involuntary disclosure of a confidential informant, the Ontario Court of Appeal found that the only remedy for such a prejudice arising from that abuse of process was a stay of proceedings.⁴²

49. As further detailed below, Eric's homicide—a young child who had only recently turned 13 years old—calls upon this Court to balance the unique protections children have in law with the social interests that underscore the criminal legal processes (i.e., "the justice system") and corresponding state conduct.

B. STATUTORY NON-COMPLIANCE AND PROTECTION OF CHILDREN

50. Children hold a special place of significance in law owing to their inherent vulnerability and dependence. This place is often summarized by the principle of "the best interests of the child".⁴³ This principle is woven throughout many statutory systems and programs, such those designed to support vulnerable families and children (including incarcerated families)⁴⁴ and even the allocation of income tax burdens amongst parents.⁴⁵

51.

⁴² *R v A.B.*, [2024 ONCA 111](#).

⁴³ See, e.g., *Canadian Foundation for Children, Youth and the Law v Canada (Attorney General)*, 2004 SCC 4, at paras 9-12.

⁴⁴ See, e.g., *Inglis v British Columbia (Minister of Public Safety)*, 2013 BCSC 2309, at paras 369-371.

⁴⁵ See, e.g., *Thibaudeau v Canada*, 1995 CanLII 99 (SCC) as well as LEAF: Women's Legal Education & Action Fund, “Case Summary: *Thibaudeau v Canada (1995)*”.

52. A similar position is expressed in legislative frameworks that involve death—the Chief Medical Examiner is obligated to report every death of a person under 20 years old to the Child and Youth Advocate (“**OCYA**”) within 30 days of a reported death.⁴⁷ This positive obligation goes far beyond any social-oversight role that the Office of the Chief Medical Examiner (“**OCME**”) may have by virtue of the scope of deaths they investigate.⁴⁸

53. These legislative guardrails were minimized in Eric’s homicide, in part by virtue of that very same statute. This includes the fact that a member of a police service or police officer, by virtue of their office, is a “medical examiner’s investigator”.⁴⁹ Moreover, the OYCA—who does not assign responsibility or fault for any of the deaths reported to them—only began their investigation in July 2025. The first step of their investigation, a “file review” by an investigator was completed on September 24.⁵⁰

C. THERE IS NO AIR OF REALITY TO THE S. 34 SELF DEFENCE ASSESSMENT

54. To date, neither Spence nor Phillips have been contacted by any representative of the Alberta Crown Prosecution Service regarding Eric’s death.⁵¹ Aside from the information provided by the Edmonton Police Service, all additional information has been gathered by Spence and Phillips. This included further particulars about the stark discrepancies between the police description of events on February 5, 2025, and the state of Eric’s body and his clothes. These differences included, among others:⁵²

- a. A dark oily substance in a ring around Eric’s mouth, also on the skin between and around his fingers, almost as if he had been digging or clawing something;
- b. Eric’s fingers had a number of undocumented cut lines across his fingers;
- c. Eric’s back had a number of marks that looked like puncture wounds;
- d. Eric’s jacket had approximately 14 distinct and noticeable cuts, including a roughly 12 cm long cut on the inside of his hood, and an approximately 2cm cut near the bottom of the right hand side;
- e. Eric’s pants had a roughly 3 cm long cut on the upper right hand side, that matches with a series of cuts approximately 10 cm long on the bottom edge of his underwear, and the 2 cm cut on the bottom right hand side of his jacket;
- f. The dark oily substance around Eric’s mouth, and his hands between and around his fingers, was also found on the bottom of his hoodie and both cuffs with more on the left cuff compared to the right.

55. Self-defence, in the criminal sphere, is governed by both the *Criminal Code* and the common law. While section 34 provides that self-defence is available as a possible response to a criminal

⁴⁷ *Fatality Inquiries Act, RSA 2000*, c F-9, s 32.1

⁴⁸ See, e.g., *Fatality Inquiries Act, RSA 2000*, c F-9, ss 10-13.

⁴⁹ *Fatality Inquiries Act, RSA 2000*, c F-9, s 9; Affidavit of Chasity Phillips, [REDACTED]

⁵⁰ Supplemental Affidavit of Chasity Phillips,

⁵¹ Supplemental Affidavit of Chasity Phillips,

⁵² Supplemental Affidavit of Chasity Phillips, [REDACTED]; Affidavit of [REDACTED], [REDACTED]

charge, it equally list 9 factors that must be taken into account when assessing the legality of a claim of self-defence. The nine factors are as follows⁵³:

- a. the nature of the force or threat;
- b. the extent to which the use of force imminent and whether there were other means available to respond to the potential use of force;
- c. the person's role in the incident;
- d. whether any party to the incident used or threatened to use a weapon;
- e. the size, age, gender and physical capabilities of the parties to the incident;
- f. the nature, duration and history of any relationship between the parties to the incident, including any prior use or threat of force and the nature of that force or threat;
- g. any history of interaction or communication between the parties to the incident;
- h. the nature and proportionality of the person's response to the use or threat of force; and
- i. whether the act committed was in response to a use or threat of force that the person knew was lawful.

56. The benefits of the firsthand video evidence of the events on February 5, 2025, are unequivocal. The Court of Appeal has reiterated the benefits of video evidence in criminal matters drawing from the Supreme Court's remarks when mass-market video equipment was beginning to grow exponentially.⁵⁴ That video illustrates that there are, at minimum, three key factors in the assessment that Lucier (potentially) acted in self-defence:⁵⁵

- a. the nature of the force or threat;
- b. the size, age, gender and physical capabilities of the parties to the incident; and
- c. the nature and proportionality of the person's response to the use or threat of force.

57. It is trite law that any defence must have an "air of reality": a sufficient evidentiary foundation to support a party's representation.⁵⁶ When Lucier killed Eric, a 34 year old man with longstanding criminal history stabbed a 13 year old, [REDACTED] boy long after any threat to himself or Hudson had passed. The video of that night highlights that within the first minute of their interaction Lucier recognized that Eric posed no threat to him—their second interaction shows an experienced criminal waiting for his moment to strike and kill.

58. Equally important is section 34(2)(g) of the *Criminal Code* that highlights how the nature and proportionality of a person invoking "self-defence" must be considered. This follows a distinct line of authorities from the Supreme Court holding that when a person engages in excessive use of

⁵³ [Criminal Code](#), RSC 1985, c C-46, [s. 34](#).

⁵⁴ See, e.g., *R v Harrison*, [2022 ABCA 74](#), at para [18](#).

⁵⁵ See, e.g., *R v HH*, [2019 ABCA 192](#) at paras [6-8](#).

⁵⁶ See, e.g., *R v Rasberry*, [2017 ABCA 135](#), at para [51](#) referring to *R v Tran*, [2010 SCC 58](#) at para [40](#).

force, they are no longer to avail themselves of the protections of self-defence. In certain circumstances⁵⁷, this may include even being charged with manslaughter.⁵⁸

59. In the face of the far greater physical damage to Eric than what was both described by police and reported by the OCME⁵⁹, combined with first-hand video evidence and that of other witnesses to the events of February 5⁶⁰, the Applicants respectfully submit that any assessment that Lucier acted in self-defense has no air of reality.
60. The facts of Eric's body having been tucked away under the LRT platform, and his face battered, his back and legs stabbed after what EPS maintain was a fatal stab wound to his heart do not accord with the Crown's exercise of its discretion to maintain that there would be no reasonable likelihood of conviction based on the availability of a self defence plea by Lucier.
61. On the night of February 5, 2025, a boy who had only recently turned 13, Eric Omeasoo, was murdered by 34-year-old Lucier: far from a "vulnerable inner city community member".

D. INEXPLICABLE FACTS

62. It is not known to the Applicants whether the Crown's engagement with Lucier and Hudson as Crown witnesses in an upcoming murder trial has motivated the Crown to exercise its discretion not to prosecute him on the basis of a self defence argument.
63. However, the willful efforts to paint Eric in the same light as the youths who were clearly involved in interfering with Hudson, and who were arrested and charged, leads the Applicants to question the Crown's motives and good faith. There certainly was no need nor any evidentiary basis for leading the public to believe Eric played an equal, or any intended, role in the alleged assault on Hudson, particularly when viewed together with the Crown's discretionary decision to not even hold or charge Lucier for his weapons ban breaches on February 5, 2025.
64. If the decision not to charge Lucier was, in fact, a function of the Crown's desire to call him and/or Hudson in the Brad Alook trial, an issue of improper motives and/or bad faith may well come into play. The Applicants are not in a position on the evidence presently available to them to draw that inference; any inquiry into same can only lie with this Honourable Court.

RELIEF SOUGHT

65. By reason of the foregoing, the Applicants, Spence and Phillips, seek the following Order as part of their Application for Judicial Review:

- a. Permitting the Application for Judicial Review to be heard, in full, on its merits; and

⁵⁷ See, e.g., *Reilly v R*, [1984 CanLII 83 \(SCC\)](#).

⁵⁸ See, e.g., *R v Faid*, [1983 CanLII 136 \(SCC\)](#).

⁵⁹ Supplemental Affidavit of Chasity Phillips, [REDACTED] Affidavit of [REDACTED], [REDACTED].

⁶⁰ Affidavit of [REDACTED] [REDACTED]; Affidavit of [REDACTED] [REDACTED], [REDACTED].

b. Directing the timely and fulsome disclosure of all relevant and material records from the following decision makers involved in the investigation of Eric's homicide:

- i. The Edmonton Police Service;
- ii. The Alberta Crown Prosecution Service; and
- iii. The Office of the Chief Medical Examiner.

The foregoing is respectfully submitted this 28th day of October, 2025



[REDACTED] _____
[REDACTED]
Sharon Roberts, Bo Kruk
Counsel for the Applicants,
Chasity Phillips and Rhonda Spence