

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

HER MAJESTY THE QUEEN

Appellant

and

WILLIAM WHATCOTT

Respondent

NOTICE OF APPEAL

PARTICULARS OF ACQUITTAL

- | | |
|----------------------------------------------------------------------|------------------------------------|
| 1. Place of acquittal: | Toronto, Ontario
Superior Court |
| 2. Name of judge: | Justice Robert F. Goldstein |
| 3. Offence of which accused acquitted: | wilful promotion of hatred |
| 4. Section of <i>Criminal Code</i> under
which accused acquitted: | s. 319(2) |
| 5. Plea at trial: | not guilty |
| 6. Length of trial: | eight days |
| 7. Date of acquittal: | December 10, 2021 |

- | | |
|-----------------------------|----------------|
| 8. Sentence imposed: | not applicable |
| 9. Date of sentence: | not applicable |
| 10. Place of incarceration: | not applicable |

TAKE NOTICE that the Attorney General for the Province of Ontario appeals against the said acquittal upon grounds involving questions of law alone.

THE GROUNDS for the appeal are:

1. The trial judge erred in law in concluding that the statements communicated by the respondent did not comprise hatred within the meaning of s.319(2) of the *Criminal Code*;
2. That the trial judge erred in law in excluding the expert opinion evidence of Nick Mulé;
3. That the trial judge erred in law in excluding evidence of the respondent's prior discreditable conduct; and
4. Such further and other grounds as counsel may advise and this Honourable Court permit.

THE RELIEF SOUGHT IS:

1. An order allowing the appeal, setting aside the acquittal, and ordering a new trial on a charge of wilful promotion of hatred.
2. Such other relief as the appellant may request and this Honourable Court may grant.

The Appellant's address for service is:

Ministry of the Attorney General
Crown Law Office – Criminal
10th Floor
720 Bay Street
Toronto, Ontario
M7A 2S9
EServiceCLOC@ontario.ca

DATED at Toronto, this 5th day of January, 2021.

Randy Schwartz
Director
Crown Law Office - Criminal

TO: The Registrar of this Honourable Court

AND TO: William Whatcott

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