

FORM 3 (RULE 6 (2) )

SUPREME COURT OF BRITISH COLUMBIA

**NOTICE OF APPEAL**

**DEFENCE APPEALS AGAINST CONVICTION,  
SENTENCE OR OTHER ORDER**

REGINA

RESPONDENT

v.

TREVOR RUSSELL HOLSWORTH

APPELLANT

PARTICULARS OF CONVICTION, SENTENCE OR OTHER ORDER

1. Place of conviction, sentencing or other order and court file number  
NAKUSP, 26418, 26419
2. Name of Judge SICOTTE
3. Offence(s) of which appellant convicted 5 X INCOME TAX ACT S 231.2(1)
4. Section of *Criminal Code* or other Act under which defendant was convicted.  
*INCOME TAX ACT S 238(1)*
5. Plea at trial NOT GUILTY
6. Length of trial 2 HOURS
7. Sentence imposed \$1000 FINE PER CHARGE X 5. \$1 x 2
8. Date of conviction JULY 15, 2021
9. Date of sentence JULY 15, 2021
10. If defendant in custody, place of incarceration N/A

TAKE NOTICE that the appellant (*check applicable provisions*):

- (a) appeals against conviction
- (b) appeals against sentence
- (c) other (*specify nature of appeal*) abuse of process.

The grounds for appeal are

1. No ability to pay fine. I exercised appropriate due diligence to resolve the issue by attempting alternate methods of payment including transfers from the shareholders loan account which had been used as legal currency in *Holsworth v Holsworth*. I explained to the court my indebtedness and inability to comply. The current order is a continuation of the threat to my security of the person as it threatens imprisonment for failure to pay a fine.
2. Refusal of the Court to hear Abuse of Process argument at all pre trial hearings is a breach of fundamental justice.  
“Compelling an accused to stand trial would violate those fundamental principles of justice which underlie the community's sense of fair play and decency” and “would tarnish the reputation of the court” *Conway*  
“Procedural irregularity during a criminal trial that is an error of law may amount to a substantial wrong or miscarriage of justice, and can lead to a conviction being thrown out. Such is the strength of the law's concern for proper procedure.” *R. v. Khan*.  
Usually a court can defer rulings however where the “interests of justice necessitate an immediate decision”. This will include where “the trial court itself is implicated in a constitutional violation” or where “substantial on-going constitutional violations require immediate attention.” *De Sousa*
3. It is an error in law to dismiss my constitutional question regarding the constitutionality of the court by claiming it is a “frivolous and vexatious argument and without merit with no chance of success”.  
“I am mindful of the right of the accused to make 'full answer and defence' if the court is empowered to reject a Charter defence advanced by the accused without hearing either the evidence which the accused proposes to tender in support of it or full submissions on the issue, it is difficult to see how the accused can be said to have had the opportunity to make full answer and defence” *R v. Mills* 1999 CanLII 637 (SCC)  
or where the proceedings are “oppressive or vexatious” *Nixon*  
To claim a discretion regarding the evidentiary weight of the transcript without allegations of fraud is contrary to fundamental justice and refusing to hear argument confirms the abuse of process.
4. There is a miscarriage of justice. The Justice Department cannot legally attempt to enforce the law whilst breaching the law by refusing to respond to a Charter complaint as outlined in the Constitutional Question put to the Court on July 15<sup>th</sup>, 2021. It is troubling to have the Parliamentary Ethics Commissioner investigating the conduct of the Minister of Justice in regards to complying with his duty at the same time I am being prosecuted by the Minister of Justice.
5. There is an abuse of process inherent in this current appeal as the appeal is based

upon the transcript. The Canadian Judicial Council claims that judges have a discretion in their acceptance of the evidence of the transcript. I would submit that allegations of fraud is the only lawful reason. There have been no allegations of fraud ever made to me. Although I have alleged fraud against me in regards to the integrity of the transcript.

6. Insisting that I attend a Court, under threat of imprisonment, that claims a discretion in regards to the best evidence that a Canadian could provide, is contrary to fundamental justice.

“Is the conduct alleged so manifestly and profoundly destructive of the concept of impartiality, integrity and independence of the judicial role, that public confidence would be sufficiently undermined to render the judge incapable of executing the judicial office” and must be “seen from the perspective of the public not the judge” Marshall Test

and

“a judge is disqualified if a fair minded observer might reasonably apprehend that the judge MIGHT not bring an impartial mind to the resolution of the question the Judge is required to decide. That principle gives effect to the requirement that justice should both be done and be seen to be done, a requirement which reflects the fundamental importance of the principle that the tribunal be independent and impartial....lest the integrity of the judicial system be undermined.....the question is one of possibility, not probability”

7. Such further grounds as I may advise and this honourable court may permit.
8. writ of mandamus on minister of justice.

The relief sought is DISMISSAL of all charges.

The appellant’s address for service is -----

The appellant’s email address for delivery [FundamentalJustice@gmail.com](mailto:FundamentalJustice@gmail.com)

The appellant’s telephone number is -----

Dated this 20 day of JULY, 2021.

.....  
Appellant

To the registrar