

Form 2
**NOTICE OF APPEAL OR APPLICATION
FOR LEAVE TO APPEAL**
(Where appellant not represented by a solicitor)

Lower Court Registry Number: 26418, 26419

Lower Court Registry Location: Nelson

COURT OF APPEAL

To the Registrar:

Name of appellant: Trevor Russell Holsworth

Place of trial: Nelson, British Columbia, in the Dominion of Canada

Name of court: Supreme Court of British Columbia.

Name of judge: Lindsay Lyster

Was this a jury trial: Unfortunately not.

Offence(s) of which convicted: Failing to comply with s 238(1) of the Income Tax Act x 7. but on Appeal Justice Lyster ordered a mistrial so there are currently no convictions.

Plea at trial: Not Guilty

Sentence imposed: \$5,002 fine but on Appeal Justice Lyster ordered a mistrial so there is currently no sentence.

Date of conviction: July 16, 2021 at Provincial Court

Date of imposition of sentence. July 16, 2021 at Provincial Court. Decision at Appeal to BC Supreme Court on May 10th, 2022

I, the above named appellant, hereby give you notice that I desire to appeal to the Court of Appeal against, neither the conviction or the sentence but the decision and order, of which I have received written notice of neither, on the grounds set out below of this notice.

I desire to present my case and argument by way of appeal where leave is not necessary as it relates to a question of law.

(b) in person.

If a new trial is ordered and you have a right to trial by jury do you wish trial by jury?
Yes, of course.

Dated this 30th day of May, 2022

.....

Appellant

GROUNDS OF APPEAL

1. If you cannot report criminal activity within the justice system and not have to fear retribution then you do not have justice system, you have organized crime, illegally protected by the state.

This decision collapses the legitimacy of Canada's Democratic ideals, the Rule of Law and everything that Canadians claim to be stand for in the Charter of Rights. If you wont listen to my evidence, ignore constitutional questions, refuse to even deal with matters judicially by entirely avoiding the question of a Writ of Mandamus on the Minister of Justice to comply with the law and report this matter to Parliament, despite overwhelming evidence, and Crown claiming we will destroy evidence. At this point in time lawyers and judges are all failing to comply with all of their oaths and code of ethics. This conduct cannot be justified in a free and democratic society.

2. The Supreme Court decision continues to perpetuate the illusion that the income tax act s 238 (1) as it is written by Parliament is constitutional according to the rule set out for absolute liability offences with prison terms attached in Reference Re Motor Vehicle when Justice Lyster's argument itself proves the case. Claiming that judges have provided precedent for due diligence defence does not change the reality that the Act of Parliament does not.

3. Sending the case back as a mistrial, which none of the parties proposed, brings with it the implicit threat, which I emphasized several times before Justice Lyster, of 7 years imprisonment and \$200,000 in fines. Combined with the claim of Judges that they can disregard all evidence, including the transcript, and can, at their discretion, plant evidence at trial, in the form, of calling upon the Plaintiff, to perjure herself, to protect her lawyer, committing fraud. However, the integrity of the justice system has not been resolved judicially so the justice system is currently stalled.

4. The continuation of an abuse of process is not a just resolution to the issue before the court. Justice Lyster is refusing to be bound by the precedent in the Jordan ruling as it relates to trial fairness. However that is nothing compared to the failure to even respond to the request for a writ of mandamus on the Minister of Justice as requested in my Notice of Appeal. That is a failure to act judicially; to provide a complete decision on the matter before the court. I refer the court to statements in this regard in R v. Landreville.

Unfortunately, Justice Lyster's conduct leaves Men, and Self Represented Litigants, a very clear display of bias that compromises the public perception that she can judge impartially. Lindsay was part of the team at the LEAF Women's Center, which was instrumental, in the removal from the bench of Robin Camp, who, in a case, of accusation of rape, incorrectly asked, "can't you keep your knees together". But, in this case, Lindsay is attempting to prevent Men, the defence of providing the transcript, to prove fraud. In particular the issue of the integrity of the administration of the Family Law Act and the Criminal Code in respect with domestic violence and rape are completely destroyed. I brought up the issue of the potential bias of Justice Lyster on several occasions but did not receive positive responses. A complaint to the Canadian Judicial Council or the MOJ regarding Justice Lyster's conduct should be initiated in order to bring judges into line with Canadian values and it would be best to come from a Judge because regular citizens just get ignored, which is also wrong.

5. It is not in the "best interests of the child" for their father to have no rights and the mother's word to be accepted in preference to everything that the father says. What that says to my boys is that their father is not important but their mother is and that their father must do what the mother demands. It says to children across Canada that girls are superior to boys and prioritized by our society. It creates a second class of citizen based on sex, which the Charter explicitly prohibits. The Government and the Courts should clarify this position for all Canadians.

6. Once again I am compelled to repeat that no Judge can claim impartiality in regards to the judging of judicial conduct, which is why Parliament has the sole authority to make the decision regarding the removal of a judge. I also agree that once a debate regarding the conduct of a judge has been initiated it is difficult to remove the stigma of the accusation. Now you can relate to how every member of the public feels when they are brought before the court. You are guilty, unless innocence is proven, no matter what the law says. Why should it be any different for a judge. We are equal under the law. If it is reasonable conduct for the Crown to assert a Citizen has committed a crime, it should equally be open for a Citizen to assert that a Government employee has committed a crime, without fear of retribution. Failing to provide citizens with a meaningful method to initiate whistleblower protection, citizens arrest, and/or public prosecution is a failure in the application of the Rule of Law, enshrined in the Charter preamble. Judges are government employees, no matter how much Judges would like to assert independence, fairness and impartiality. That independence after all, is for the benefit of the citizens, not the judge. Justice Lyster refused to address a question of conflict of interest as did the crown prosecution, which are both ridiculous assertions which no Canadian would possibly believe given the circumstance.

7. The fact that in the days immediately before Justice Lyster was to provide her written decision my website www.fundamentaljustice.com received a spike of 300 direct hits per day from Toronto and Ottawa and then nothing. Compare that spike to my social media inspired links of about 20-30 per day. It gives the immediate perception to Canadians that the independence of the judiciary was compromised. The fact that the Crown Prosecutor appears to have been informed of the contents of the decision prior to it's release in court on May 10th 2022 is also a matter of grave concern.

8. The Charter specifically provides for equality before the law on the basis of sex. The reality of the situation is that the Charter is a meaningless document if there is

no method to enforce the enforcement clause. For the Minister Of Justice to claim that the administration of government is in accordance with the law is completely false because they are not responding to the enforcement procedure, which is an obstruction of justice. Combined with the claim to be able to plant perjured evidence at trial, it is a claim of absolute power and a refusal to allow the legitimate review of that discretion is undemocratic and the claim of dictators. The intention of federal judges must be clarified at this time.

9. The fact that the Prime Minister's office knows that his Minister of Justice is failing to respond to the enforcement procedure of the Charter is a huge problem. The fact that the Prime Minister's office subsequently forwarded this problem to the Minister of Public Safety is an acknowledgement that there is a threat to the safety of Canadians. I am requesting a writ of mandamus on the Minister of Public Safety to respond and deal with the matter. Unfortunately, I will also have to request a writ of mandamus on the Prime Minister. Refusal to respond to the Constitutional Question regarding the conduct of the Minister of Justice, or the request for a Writ of Mandamus brings the integrity of the justice system into disrepute.

10. It is a major problem affecting trial fairness that in the writing of this appeal I have been refused access to the written decision, a signed court order, nor the digital audio file that was granted in writing on May 10th, 2022. I reserve the right to make additional arguments at any time without notice, including Constitutional Questions. But, of course, you reserve the right to ignore everything I say, and still call it justice. Justice Lyster claims my experience and perspective are irrelevant. Who does justice serve? The apparent answer so far, is women, lawyers and judges. That is a problem for access to justice.

11. The ultimate consequence of the ruling is that the courts are not operating within their constitutionally guaranteed constraints and do not have the force of law. Canadians deserve better.