

**COURT OF APPEAL FOR ONTARIO**

**BETWEEN :**

**HER MAJESTY THE QUEEN**

**Respondent**

**- and -**

**J.F.**

**Applicant/Appellant**

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**APPELLANT'S / RESPONDENTS FACTUM**

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**NAME OF LAW FIRM  
Address of law firm  
Toronto, Ontario  
M5G 2K1**

\_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_  
(Names of all four Counsel)

**Of Counsel for the Appellant / Respondent**

**Tel.: (**

**Fax.: (**

**Email address**

**PART I:  
STATEMENT OF THE CASE**

1. This case is about the [*insert a short summary of the main issue raised by this appeal*].

**PART II:  
AGREED SUMMARY OF THE FACTS**

2. The Applicant/Appellant and the Respondent have provided an agreed statement of facts, reproduced here.

3. At trial, counsel for the defence challenged the admissibility of the marijuana found in J.F.'s locker as evidence because of the way the search was conducted. The defence claimed that the search was unreasonable and contrary to section 8 of the *Canadian Charter of Rights and Freedoms*. They submitted that the Court should not admit into evidence the drugs found in the locker of the young person, pursuant to section 24 of the *Charter*. To do so, they argued, would condone illegal acts by the police and would be unfair.

*Canadian Charter of Rights and Freedoms, Schedule B, Constitution Act, 1982 s 8, 24. (the "Charter")*

4. The trial judge decided based on four principles and held that the prosecutor could use the evidence. As the trial judge stated,

[you may choose to quote from the reasons for judgment. All quotes should be indented and single spaced, like this paragraph. All quotes must be referenced immediately after the paragraph, noting the page **or** paragraph number of the quote.]

***Reasons for Judgment***, para #.

DECISION OF THE TRIAL COURT

5. [You can summarize the decision of the trial judge, Justice Curmudgeon, to emphasize the points that are important to your firm's argument. .]

It is often helpful to quote directly from the trial judge's decision. This must be referenced by paragraph number so that the appellate judge can find the quote in the complete decision.

***Reasons for Judgment***, , para #.

**PART III  
GROUNDS OF APPEAL**

**A. ISSUE ONE: SCHOOL RULES OVERRIDE CHARTER ISSUES**

6. [Insert your firm's argument on this issue. Refer to the explanatory notes for information on how to refer to cases and how to structure your argument.]

**B ISSUE TWO: RIGHTS OF CHILDREN SHOULD BE PROTECTED UNDER CHARTER**

7. [insert argument regarding this issue here.].

**C ISSUE THREE - EXISTENCE OF EVIDENCE OVERRIDES CHARTER ISSUES**

8. [insert argument regarding this issue here.].

**D ISSUE FOUR - EXISTENCE OF DRUGS OR WEAPONS CREATES EXCEPTION UNDER CHARTER**

9. [insert argument regarding this issue here.].

**APPLICATION TO THIS CASE**

10. [insert a concluding statement, summarizing how the preceding arguments support the order you have requested.]

**PART IV  
ADDITIONAL ISSUES**

11. The Respondent / Appellate raises no additional issues.

**PART V  
ORDER REQUESTED**

12. It is respectfully requested that

**ALL OF WHICH** is respectfully submitted by

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**Name of all four Counsel**  
Of Counsel for the Respondent

**DATED AT TORONTO** this \*\*\*th Day of month, year

**APPENDIX A**

**AUTHORITIES TO BE CITED**

*List all cases or statutes that you have referred to, in this format:*

***R. v. Willis***, (1987) 37 C.C.C. (3d) 184 (B.C. Co. Ct.).

***R. v. Cloutier*** (1991), 66 C.C.C. (3d) 149 (Que. C.A.).