

C65766

COURT OF APPEAL FOR ONTARIO

BETWEEN:

HER MAJESTY THE QUEEN

Applicant/  
Appellant

- and -

COURT OF APPEAL FOR ONTARIO  
FILED / DÉPOSÉ

JAN 22 2018

REGISTRAR / GREFFIER  
COUR D'APPEL DE L'ONTARIO

KEVIN MORRIS

Respondent

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NOTICE OF APPLICATION FOR LEAVE  
TO APPEAL AND NOTICE OF APPEAL  
(AMENDED)

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PARTICULARS OF CONVICTION

- |  |   |
|--|---|
| 1. Place of Conviction:                                  | Superior Court of Justice<br>Toronto, Ontario   |
| 2. Name of Judge:  | The Honourable Justice Nakatsuru with a jury  |
| 3. Offence(s) of which<br>Accused Convicted:             | Possession of restricted/prohibited firearm<br>without licence/registration certificate;<br>Possession of restricted/prohibited firearm<br>knowing no licence/registration certificate;<br>Possession of loaded restricted firearm;<br>Carry concealed weapon |
| 4. Section(s) of <u>Criminal</u><br><u>Code</u> Charged: | Section 91; Section 92; Section 95; Section 90  |
| 5. Plea at Trial:  | Not guilty  |
| 6. Length of Trial:                                      | 13 Days   |
| 7. Sentence Imposed:                                     | 12 months incarceration with 18 months probation;<br>DNA Order, s. 109 order for 10 years; Forfeiture<br>Order  |
| 8. Date of Guilty Plea:                                  | N/A   |
| 9. Date of Conviction and Sentence:                      | Conviction: June 28, 2017<br>Sentence: July 19, 2018  |
| 10. Place of Incarceration:                              | Maplehurst Correctional Complex   |

TAKE NOTICE THAT the Applicant/Appellant, the Attorney General for the Province of Ontario, applies for leave to appeal against the sentence imposed and if leave be granted, hereby appeals against the said sentence.

THE GROUNDS OF APPEAL ARE:

1. The sentencing judge erred by imposing a manifestly unfit sentence.
2. The sentencing judge erred in his treatment of social context evidence
3. The sentencing judge erred in his treatment of aggravating and mitigating factors
4. The sentencing judge erred in his award of pre-sentence custody
5. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE RELIEF SOUGHT is that leave to appeal be granted, that the appeal be allowed, and that a fit sentence be imposed.

The Applicant/Appellant's address for service is:

The Ministry of the Attorney General  
Crown Law Office - Criminal  
720 Bay Street, 10th Floor  
Toronto, Ontario  
M7A 2S9

DATED at Toronto, this 22<sup>nd</sup> day of January 2019

HOWARD LEIBOVICH  
Director  
Crown Law Office - Criminal

TO: The Registrar of this Honourable Court

AND TO: Faisal Mirza  
55 Village Centre Place, Suite 301  
Mississauga, Ontario L4Z 1V9

**COURT OF APPEAL FOR ONTARIO**  
*Proceedings commenced at Toronto*

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**HER MAJESTY THE QUEEN**

**Applicant/  
Appellant**

**-and-**

**KEVIN MORRIS**

**Respondent**

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**NOTICE OF APPLICATION FOR LEAVE  
TO APPEAL AND NOTICE OF APPEAL  
(AMENDED)**

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**MINISTRY OF THE ATTORNEY  
GENERAL  
Crown Law Office – Criminal  
720 Bay Street, 10<sup>th</sup> Floor  
Toronto, Ontario, M7A 2S9**

**Roger Shallow LSUC #46169M  
Counsel for the Applicant/Appellant**

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Service admitted of a true copy  
over the telephone this 22nd  
day of January 2019  
by Faisal Mirza  
(Counsel for respondent)  
[Signature]  
Ministry of the Attorney General