

**Notice of Appeal or Combined Notice of Application
for Leave to Appeal and Notice of Appeal**
Form 12, *Criminal Appeal Rules*, Court of Appeal for Ontario

COA-26-CR-0047

Court File No. (if known)

M

Motion No. (if known/applicable)

COURT OF APPEAL FOR ONTARIO

BETWEEN:

HIS MAJESTY THE KING

Respondent

- and -

SAMER AKILA

(specify name)

Appellant

**NOTICE OF APPEAL [OR COMBINED NOTICE OF APPLICATION
FOR LEAVE TO APPEAL AND NOTICE OF APPEAL]**

APPEAL INFORMATION (complete as applicable)

- 1. Place of trial/proceedings below: **London, Ontario**
- 2. Name of judge: **The Honourable Mr. Justice Orsini of the Ontario Court of Justice**
- 3. Offence(s)/Sentence(s) under appeal:

(Include the applicable *Criminal Code* and/or *Controlled Drugs and Substances Act* section number(s) and any other applicable information in the chart below and add more rows, if necessary.)

Offence name	Section number	Plea	Result at trial	Sentence
Possession for the purpose of trafficking (schedule III)	S. 5(2) of the CDSA	Not guilty	Conviction	\$10,000 fine + VFS

- 4. Length of trial/proceedings below: **18 days**
- 5. Date of conviction/acquittal/order/decision/verdict being appealed: **October 7, 2025**
- 6. Date of sentence (if any): **December 16, 2025**

7. If in custody, place of incarceration: N/A
8. Court File No. in court(s) below (if known): 23-23104208
9. Name of Judge of Summary Conviction Appeal Court (if applicable): _____
10. Date of Judgment of Summary Conviction Appeal Court (if applicable): _____
11. Result of Summary Conviction Appeal (if applicable): _____

TAKE NOTICE that the appellant/applicant (check all that apply):

- Appeals against **conviction and sentence** upon grounds involving a question of law alone;
- Applies for leave to appeal against conviction upon grounds involving a question of fact or a question of mixed law and fact, and if leave be granted hereby appeals against conviction;
- Applies for leave to appeal against sentence, and if leave be granted hereby appeals against sentence;
- Applies for leave to appeal from the decision of the summary conviction appeal court upon grounds involving a question of law alone.

THE GROUNDS FOR GRANTING LEAVE TO APPEAL/APPEAL ARE:

1. That the learned trial judge erred in law in his ruling on the application to challenge to the constitutionality of section 5(2) of the *Controlled Drugs and Substances Act* pursuant to freedom of thought of section 2(b) of the *Charter of Rights and Freedoms*;
2. That the learned trial judge misapprehended the evidence concerning psilocybin on the freedom of thought constitutional challenge;
3. That the learned trial judge misapprehended the evidence of Professor David Nutt on the freedom of thought constitutional challenge;
4. That the learned trial judge's reasons are inadequate on the freedom of thought constitutional challenge;
5. That the learned trial judge erred in law, failed to consider relevant facts and imposed a sentence that was demonstrably unfit; and
6. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE RELIEF SOUGHT IS:

(Indicate particular relief sought.)

- 1. That the conviction be overturned an acquittal be entered, or that a new trial be ordered;**
- 2. That leave to appeal sentence be granted and the sentence reduced; and**
- 3. Such further and other relief as counsel may advise and this Honourable Court may permit.**

IF A NEW TRIAL IS ORDERED AND THE APPELLANT HAS A RIGHT TO A TRIAL BY JUDGE AND JURY, THE APPELLANT:

Does; or Does not

want the new trial to be by judge and jury (*Criminal Code*, s. 686(5)).

THE APPELLANT/APPLICANT MAY BE SERVED WITH DOCUMENTS PERTINENT TO THIS APPEAL/APPLICATION:

1. By service in accordance with the *Criminal Appeal Rules* through (specify contact information)

**Paul Lewin (Lewin & Sagara LLP)
Counsel for the appellant**

**2175 Danforth Avenue
Toronto, Ontario M4C 1K4**

**Fax: 1 (877) 459-9747
Email: PaulLewin@LewinSagara.ca**

DATED at Toronto, Ontario, this 12th day of

(specify city or town, etc.)

(specify province)

January, 20 26.

(specify month)



Signature of appellant/applicant or lawyer

**Paul Lewin (Lewin & Sagara LLP)
Counsel for the appellant**

**2175 Danforth Avenue
Toronto, Ontario M4C 1K4
Tel: (416) 499-7945 ext. 100
Fax: 1 (877) 459-9747
Email: PaulLewin@LewinSagara.ca
Solicitor#: 34348C**

Specify name and contact information

TO: The Registrar

AND TO: (*Names and contact information of all other parties' lawyers or other parties*)

**Public Prosecution Service of Canada
The Exchange Tower
130 King Street West, Suite 3400
Toronto, ON M5X 1K6
ppscoru@ppsc-sppc.gc.ca**

AND TO:

**Attorney General of Canada
Ontario Regional Office
Department of Justice Canada
120 Adelaide Street West
Suite #400
Toronto, Ontario M5H 1T1
NCQ-AQC.Toronto@justice.gc.ca**

AND TO:

**Attorney General of Ontario
c/o:Crown Law Office Criminal
Ministry of the Attorney General 720
Bay Street, 10th Floor
Toronto, Ontario
M7A 2S9
clbsupport@ontario.ca**

**Form 2
BACKSHEET**

.....
COA-26-CR-0047

Court File No. (if known)

M

.....
Motion No. (if known/applicable)

COURT OF APPEAL FOR ONTARIO

HIS MAJESTY THE KING

- and -

.....
SAMER AKILA

(specify name)

.....
NOTICE OF APPEAL

(specify title of document)

.....
(if an affidavit, specify name of deponent and date sworn/affirmed)

Paul Lewin (Lewin & Sagara LLP), 2175 Danforth Ave.

Toronto, ON M4C 1K4, Email:paullewin@lewinsagara.ca

(specify name and contact information of person serving or filing the document)