

File#: C70573

COURT OF APPEAL FOR ONTARIO

**B E T W E E N :**

**JOEL ALLAN SUMNER**

( Appellant )

-AND-

**OTTAWA POLICE SERVICES**

( Respondent )

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**FACTUM**

Part I

- 1) The Appellant is a citizen of the country Canada.
  
- 2) On or about February 9, 2022 the Appellant filed a claim at the Ontario Superior Court of Justice for a redress of grievances against the Ottawa Police Services.
  
- 3) On March 15, 2022 Justice Sally Gomery denied the Appellant unobstructed access to peacefully and orderly petition the Courts by issuing an order dismissing the Appellant's case without a hearing<sup>1</sup>, causing the Appellant to file this appeal.

Part II

- 4) In the underlying dismissed case the Appellant claimed the Ottawa Police Services knew Justin Trudeau stood at a podium on national television and unjustly threatened Canadians who entered Canada by stating they will pay a bribe to a private third party hotel or else face Governmental prosecution.

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<sup>1</sup> Justice Sally Gomery accused the Appellant of abusing process and then proceeded to threaten the Appellant that he must provide a response or else his case could be dismissed.

5) The Appellant claimed that despite knowing that Justin Trudeau was attempting to privately obtain money by selling influence in official acts, the police did not stop or arrest Justin Trudeau. This failure negligently caused damage to the Appellant who was corruptly threatened and intimidated by public officials upon entering Canada.

6) The Ottawa Police also trespassed on the Appellant's legal obligation to arrest a felon by obtaining property, intimidating, threatening, or engaging in violence towards the Appellant and/or others trying to stop the alleged felon Justin Trudeau during what has become known as the convoy protest.

7) The nature of the issues in the underlying case have to do with negligence for intentionally misprisoning a felony and trespass for knowingly interfering in victim's rights to stop a felon.

8) The **sole** issue on appeal is: was it extortion, unjust, and/or corrupt for Justice Sally Gomery to knowingly take or withhold an official act and issue an order obtaining the Appellant's claim for damages in tort for the private benefit of Justin Trudeau?

Part III

- 9) The only facts at issue on Appeal are:
- A. On March 15, 2022 Justice Sally Gomery was a public official.
  - B. On or about March 15, 2022 Justice Sally Gomery knowingly issued a public order obtaining the Appellant's claim for damages in tort against the Ottawa Police Services.
  - C. But for Justice Sally Gomery's order the Appellant would not have filed this appeal.
  - D. Justin Trudeau privately benefited from Justice Sally Gomery's order.

Part IV

**ISSUE 1 of 1:**

- 10) Was it unjust, and the crime of extortion under the colour of official right, for Justice Sally Gomery to knowingly take or withhold an official

act and issue an order obtaining anything from the Appellant or causing anything to be done for the private benefit of Justin Trudeau?

**Extortion is a Public Official Crime**

11) We know the extortion statute specifically applies to Justice Sally Gomery, because historically extortion was a discrete public official offence and she is a public official.

Extortion was originally a separate common law offence punishing the conduct of public officials who sought personal financial gain under colour of their office. It has since been statutorily expanded in some jurisdictions, such as Canada, to include more familiar forms of blackmail. [R. v. Davies, \[1999\] 3 SCR 759, at para 48:](#)

**No Requirement to Show a Threat or Inducement**

12) Even more importantly, at common law (and today) Justice Sally Gomery herself is a threat! Courts conclude “that the coercive element is provided by the public office itself.” [Evans v. United States, 504 U.S. 255, 266.](#) Also in [Evans at 268](#), the Supreme Court said:

As we explained above, our construction of the statute is informed by the common-law tradition from which the term of art was drawn and understood. We hold today that the Government need only show that a public official has obtained a payment to which he was not

entitled, knowing that the payment was made in return for official acts.

And above the holding in [Evans at 260](#):

At common law, extortion was an offense committed by a public official who took "by colour of his office" money that was not due to him for the performance of his official duties. A demand, or request, by the public official was not an element of the offense. Extortion by the public official was the rough equivalent of what we would now describe as "taking a bribe."

13) One thousand (1,000) years ago the Norman King's coined the term *extortion under the colour of official right*. Extortion meant to obtain. Colour meant private benefit. Official right meant with official acts. Today, extortion includes the common law crime of a public official using official acts to privately obtain anything more than their salary.

**Examples:**

14)

- Would it be robbery for a person to say pay me or else I will unjustly inflict violence?
- Would it be blackmail for a person to say pay me or else I will call the police?
- Would it be extortion for a police officer to say pay me in my private capacity or else I will arrest you?

- Would it be extortion for a Judge to issue an order to pay them in their private capacity or else you can be held in contempt of court?

15) Adding a third-party does not justify an otherwise unjustifiable threat.

- Would it be robbery if a person said pay Justin or else I will inflict unjust violence?
- Would it be blackmail if a person said pay Justin or else I will call the police?
- Would it be extortion if a police officer said pay Justin or else I will arrest you?
- Would it be extortion if a Judge issued an order to pay Justin or else you could be held in contempt of court???

16) A threat is about what people do, not about what they say.

- Would it still be robbery if a person said nothing, but obtained your payment knowing it was in exchange for influence in him not inflicting unjust violence?
- Would it still be blackmail if a person said nothing, but obtained your payment knowing it was in exchange for influence in him not calling the police?
- Would it still be extortion if a police officer said nothing, but obtained your payment in their private capacity knowing it was in exchange for influence in him not arresting you?

- Would it still be extortion if a judge said nothing, but issued an order to pay them in their private capacity or else you could be held in contempt of court?

### **Without Justification**

17) The U.S. Supreme Court **defined** the common law meaning of colour, not entitled, unjustly, without right, corruption, and held:

The importance of the line between public and private beneficiaries for common law and Hobbs Act extortion is confirmed by our own case law, which is completely barren of an example of extortion under color of official right undertaken for the sole benefit of the Government. [\*Wilkie v. Robbins\*, 551 U.S. 537 \(2007\)](#).

18) Lastly, the *Wilkie* court showed judicial corruption and said:

*Whaley* was about a charge of extortion against a justice of the peace who wrongfully ordered a litigant to pay compensation to the other party as well as a small administrative fee to the court. Because the case involved illegally obtaining property for the benefit of a private third party, it does not stand for the proposition that an act for the benefit of the Government alone can be extortion. [\*Wilkie v. Robbins\*, 551 U.S. 537 \(2007\)](#).

19) On the face of Justice Sally Gomery's written reasons for issuing her March 15th order obtaining the Appellant's claim for damages in tort,



she mentioned Justin Trudeau's name in paragraphs 6, 7, 8, 10, 13, 16, and 20. Her public act of obtaining from the Appellant was not solely for the benefit of the Government alone. The Appellant's claim for damages in tort was something Justice Sally Gomery privately obtained with official acts and was more than her salary.

### **Anything can be Obtained**

20)

Every one commits extortion who, without reasonable justification or excuse and with intent to obtain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the person threatened, accused or menaced or to whom violence is shown, to do anything or cause anything to be done. [Canadian Criminal Code, R.S.C. 1985 c. C-46, s. 346\(1\)](#)

A claim for damages in tort is a chose-in-action, which is a form of personal property. But more importantly, the Canadian extortion statute reads "obtain anything," ... "to do anything or cause anything to be done." By dismissing the Appellant's case Justice Sally Gomery obtained a chose-in-action. She caused the Appellant to file this appeal.

**CONCLUSION**

21) Justice Sally Gomery privately obtained more than her salary when she issued a public order obtaining the Appellant's right to peacefully and orderly petition the Courts for a redress of grievances for Justin Trudeau's personal benefit. She unjustly obtained. What could possibly be more odious than a Judge using the colour of her office to corruptly obstruct a human being's right to access justice?

*Part V*

22) The Appellant requests an order that his claim for damages in tort is reinstated at the Ontario Superior Court of Justice.

July 19, 2022



Submitted by Joel Sumner



Certificate of Exhibits and Time

1. An order under subrule 61.09(2) (original record and exhibits) is not required, as there are no exhibits.
2. The Appellant is making an estimate that one hour will be a sufficient amount of time to present oral arguments, not including a reply.

July 19, 2022



Signed by Joel Sumner

[Redacted signature block]

SCHEDULE A

CASES:

1. [\*R. v. Davies\*, \[1999\] 3 SCR 759](#)
2. *Evans v. United States*, 504 U.S. 255
3. *Wilkie v. Robbins*, 551 U.S. 537 (2007)

LEGISLATION:

4. [Canadian Criminal Code, R.S.C. 1985 c. C-46, s. 346\(1\)](#)

SCHEDULE B

346 (1) Every one commits extortion who, without reasonable justification or excuse and with intent to obtain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the person threatened, accused or menaced or to whom violence is shown, to do anything or cause anything to be done.

Form 4C

*Courts of Justice Act*

backsheet

*Sumner v. OPS*

*File No.:*

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***Ontario Court of Appeal***

PROCEEDING COMMENCED

AT TORONTO

***Factum***

*Joel Sumner*

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***AND TO:***

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