

Ontario Civilian Police Commission

Police Services Act

**NOTICE OF APPEAL**

**Police officer:** Constable Michael Adams #10086, Toronto Police Service  
Constable David Donaldson #10120, Toronto Police Service  
Constable Geoffrey Fardell #9652, Toronto Police Service  
Constable Oliver Simpson #9878, Toronto Police Service

**Complainant:** Adam Nobody

**Prosecutor:** Stockwoods LLP

**Date of Decision Being Appealed:** May 28, 2015.

**Date of Appellant Receiving Written Notice of Decision Being Appealed:** June 1, 2015

I, hereby appeal to the Ontario Civilian Commission under subsection 87(1) of the Police Services Act, in respect of the following matter(s):

(Check one or more boxes)

- The finding of misconduct or unsatisfactory work performance.
- The penalty imposed.
- The finding that misconduct or unsatisfactory work performance was not proved on clear and convincing evidence.

**1. The grounds for my appeal are as follows:**

- (a) The Hearings Officer erred in finding that use of unnecessary force was not proved on clear and convincing evidence;
- (b) The Hearings Officer erred in considering irrelevant information; and,
- (c) The Hearings Officer erred in failing to conduct a thorough analysis of the credibility of Cst. Adams' testimony.

**2. The evidence I will rely upon is as follows:**

- (a) the transcripts of the proceedings below;
- (b) the decision of the Hearings Officer, dated May 28, 2015; and,
- (c) such further and other evidence as counsel may advise and the Commission may permit.

**3. The order which I seek from the Commission is:**

- (a) the revocation of the decision of May 28, 2015 and the substitution of findings of guilt in respect of the respondent;
- (b) in the alternative, a new hearing before a different Hearings Officer; and,
- (c) such further and other relief as counsel may advise and the Commission may permit.

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Date:

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