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**COURT OF APPEAL FOR ONTARIO**

**TERRANCE PARKER (Applicant (Appellant and Respondent in  
Cross-appeal)) – and - HER MAJESTY THE QUEEN  
(Respondent (Cross-appellant and Respondent in Appeal))**

**BEFORE: CARTHY J.A. (IN CHAMBERS)**

**COUNSEL: Croft Michaelson and Christopher Leafloor  
For the Crown, respondent**

**Terrance Parker, in person**

**HEARD: June 23, 2003**

**ENDORSEMENT**

[1] On January 9, 2003 Lederman J. granted a declaration that the Crown had not answered the Constitutional issue decided by this Court in *R. v. Parker* (2000), 49 O.R. (3d) 482 and accordingly the regulations dealing with medical use of marihuana were invalid. He suspended the declaration for six months to July 9, 2003.

The appellant seeks an order staying the judgment of Lederman J. pending appeal. Arrangements are being made directed to an appeal hearing of this and related appeals in late July but there is, of course, no certainty that the issue will be resolved at that time. A stay would effectively extend the six month suspension to the hearing date with no evidence or rationale supporting doing so except that the appeal hearing is approaching.

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[3] Lederman J. granted the postponement to enable something to be done, not to enable an appeal to be completed. Why shouldn't his judgment take effect? Is there prejudice? Is more time needed? No evidence is put forward to answer these questions or to address why the six month period was inappropriate.

The Crown's material supporting its application was confined to references to one of the respondent's website where he chortled over the Crown's problems in obtaining an appeal hearing before July 9<sup>th</sup>. There never was a realistic chance for a hearing within the six months and this evidence is irrelevant to this motion.

The motion must be dismissed for want of supporting material or grounds for the relief being sought. There will be no costs.

A handwritten signature in black ink, appearing to read "J. J. Carthy J.A.", is written in a cursive style.