

CANADA / JUDGMENT

R. v. Robinson

2025 ONCA 823

COURT

Court of Appeal for Ontario

DECIDED

27 November 2025

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R. v. Robinson Collection Decisions of the Court of Appeal Date 2025-11-27 Neutral citation 2025 ONCA 823 Docket numbers COA-25-OM-0221, COA-25-OM-0222, COA-25-OM-0223, M56218, M56219, M56220 Judges Paciocco, David M. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Robinson, 2025 ONCA 823 DATE: 20251127 DOCKET: M56218, M56219 & M56220 (COA-25-OM-0221, COA-25-OM-0222 & COA-25-OM-0223) Paciocco J.A. (Motion Judge) BETWEEN His Majesty the King Respondent (Responding Party) and David Robinson Appellant (Moving Party) David Robinson, acting in person Michael Bernstein, for the responding party Heard: November 26, 2025 REASONS FOR DECISION

- [1] As a self-represented litigant, David Robinson (who asked to be referred to by his full name) seeks leave to appeal the decisions in three summary conviction appeals he brought before the Ontario Superior Court of Justice. Those appeals were struck on April 4, 2025, because of his failure to take steps to perfect those appeals by acquiring the transcripts of the underlying proceedings in the Ontario Court of Justice.
- [2] In the motions now before me I permitted a person identified as Maureen Robinson, who said her Zoom camera was not working, to assist David Robinson as she had done in two earlier appearances on this motion. The Crown raised suspicions about her identity but did not actively seek her exclusion. When I asked David Robinson about his position on the motions, he said he did not understand, and he refused to consult with Pro Bono duty counsel who was present and remained available to him throughout the proceeding. I chose, in the circumstances, to permit Maureen Robinson to assist David Robinson with his submissions, as he requested.
- [3] In this motion David Robinson seeks orders waiving the need for transcripts in support of his appeal of his Ontario Court of Justice convictions. He also seeks other relief that I will describe below. I am the third Chambers judge to address these motions.
- [4] On August 26, 2025, van Rensburg J.A. had to adjourn the motions because the materials David Robinson filed were insufficient to permit determination of the motions. The matter was adjourned so that the Crown could graciously obtain the original documents needed to adjudicate the issues raised, which it has done. Justice van Rensburg identified the Court of Appeal for Ontario Criminal Appeal Rules that David Robinson would need to comply with to

perfect his appeal and to bring these motions, as well as the pertinent provisions of the Practice Direction Concerning Criminal Appeals at the Court of Appeal for Ontario.

- [5] When the matter came back before Gomery J.A. on September 24, 2025, she noted that David Robinson had not complied with the transcript requirements, again citing pertinent provisions of the Practice Direction Concerning Criminal Appeals. She chose not to dismiss his proceedings for non-compliance but provided him assistance in securing transcripts by facilitating through Pro Bono duty counsel his contact with Legal Aid. The matter was adjourned to allow him to seek Legal Aid.
- [6] David Robinson advised me today, with Maureen Robinson's assistance, that he has learned that to secure the transcripts through Legal Aid he must qualify for Legal Aid, obtain a Legal Aid certificate, and be represented by counsel. He refused to apply for Legal Aid because he would be required to disclose personal information, and he does not want counsel. He wants to represent himself.
- [7] Prior to today, David Robinson argued that it is a violation of his rights as a natural person and a breach of international law instruments and of the Canadian constitution to require him to obtain transcripts he does not need for his appeal and that only the court and the Crown need. Today, without abandoning that argument, he argued that it is a violation of his rights as a natural person and of international law instruments and the Canadian constitution to require transcripts that he would like to acquire but cannot afford. I accept the Crown's position that there is some inconsistency between the two positions, but they are reconcilable in the sense that together they propose that it is a breach of the rights he claims to require him to acquire transcripts that he does not need for his appeal, and that he cannot afford.
- [8] Given the issues that Mr. Robinson has raised, the transcripts from the Ontario Court of Justice proceedings are required to adjudicate his appeals. During those appeals he will bear the onus of establishing the errors below that he claims. Without those transcripts, he cannot hope to establish the legal errors that he claims were made in the summary conviction trials, nor will he be able to establish that the summary conviction appeal judge's order below to strike the appeals because of his failure to secure those transcripts was unreasonable.
- [9] Moreover, David Robinson has not presented evidence as to his financial situation to prove that he cannot afford to comply, and his reliance on pseudo-legal arguments about his status as a natural person and the binding nature of the international instruments on this court are without merit. Canadian law and procedure are not subject to preemptive rights inherent in natural persons, and the legal instruments he raises have no application. He has not served proper notice of a Constitutional challenge or identified any rules or statutory provisions he seeks to challenge. Any constitutional challenge he wishes to make should be determined by a panel of the court, not a single judge.

- [10] His motion for relief from compliance for the filing of transcripts is therefore denied.
- [11] David Robinson also seeks additional relief, again based on his reliance on his rights as a natural person, international law instruments, and the Canadian constitution. Specifically, he seeks a declaration recognizing jus cogens violations and Canada's international law obligations; an undertaking from the court for procedural flexibility; and Charter enforcement including restitution and compensation. These remedies are readily dismissed as they are not properly before me.
- [12] Under r. 45(1)(b) of the Criminal Appeal Rules, the Crown may request that the Registrar serve David Robinson with notice pursuant to r. 45(1)(a)(ii) to have this appeal placed before the court to be dismissed as abandoned unless the default in perfection – in this case the failure to order transcripts – is cured within ten days after service of the notice. My decision to deny Mr. Robinson relief from the transcript requirement is without prejudice to his ability to argue during such a hearing that dismissing his appeals because of his failure to acquire the transcripts is a violation of the rights he has claimed before me. If the matter is brought forward pursuant to r. 45, the panel before whom its placed will make that final determination.
- [13] David Robinson should also understand that there is no authority for a non-lawyer to represent a litigant at the Court of Appeal: r. 13(3) of the Criminal Appeal Rules; *R. v. Messenger* (2002), 160 O.A.C. 193 (C.A.), at para. 5. Should Maureen Robinson wish to assist David Robinson in court again in the future, she should be prepared to identify herself properly with government issued identification and address any issues that may arise about the propriety of having her appear on David Robinson's behalf. "David M. Paciocco J.A."

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