

VANCOUVER
FEB - 9 2000
COURT OF APPEAL
REGISTRY

Court of Appeal No. CAG26802
No.
Vancouver Registry
Lower Court No. CC990245
Vancouver Registry

COURT OF APPEAL

IN THE MATTER OF THE EXTRADITION ACT S.C. 1999 c.18
AND
THE APPLICATION OF THE UNITED STATES OF AMERICA
TO EXTRADITE RENEE BOJE

BETWEEN:

RENEE BOJE

APPELLANT

AND:

UNITED STATES OF AMERICA

RESPONDENT

NOTICE OF APPEAL OR APPLICATION
FOR LEAVE TO APPEAL

PARTICULARS OF CONVICTION AND SENTENCE

1. Place of extradition: Vancouver, British Columbia.
2. Name of Judge: The Honourable Mr. Justice Catliff.
3. Offences in relation to which extradition was sought:
 - A. Conspiracy to produce cannabis (marihuana) contrary to s. 7(2)(b) of the **Controlled Drugs and Substances Act** and s.465(1)(c) of the **Criminal Code**;
 - B. Production of a cannabis (marihuana) contrary to s.7(2)(b) of the **Controlled Drugs and Substances Act**;
 - C. Conspiracy to possess cannabis (marihuana) for the purposes of trafficking contrary to s.5(2) of the **Controlled Drugs and Substances Act** and s.465(1) of the **Criminal Code**;

- D. Possession of cannabis (marihuana) for the purposes of trafficking contrary to s.5(2) of the **Controlled Drugs and Substance Act**,
- E. Conspiracy to traffic in cannabis (marihuana) contrary to s.5(1) of the **Controlled Drugs and Substances Act** and s.465(1) of the **Criminal Code**.
- 4. Sections 7(2)(b) of **Controlled Drugs and Substances Act** and S. 465(1)(c) of the **Criminal Code**.
- 5. Length of hearing: 5 days November 1st, 2nd, and 3rd
 December 15th, 21st
 February 9th, 2000
- 6. Date of Order of Committal: February 9th, 2000

TAKE NOTICE that the appellant hereby appeals pursuant to s. 49 of the **Extradition Act** S.C. 1999 c.18 against the Order of Committal:

- (a) on grounds of appeal that involve questions of law alone;
- (b) on grounds of appeal that involve questions of fact or questions of mixed law or fact with leave of the Court of Appeal or a Judge thereof; or
- (c) on grounds of appeal that appear to the Court of Appeal to be sufficient grounds of appeal, with leave of the Court of Appeal.

The grounds for appeal are:

- (1) The learned Judge below erred in law, and/or in mixed fact and law, in deciding not to hold or declare a voir dire to determine the admissibility of a purported admission or confession by the appellant to the United States police authorities upon her arrest in California, USA;
- (2) That the learned Judge below erred in law and/or in fact or in mixed law and fact in deciding that the evidence adduced by the appellant below in the form of her affidavits and the affidavits of Peter Durovic were either inadmissible as constituting evidence going to a defence or were irrelevant to the issues that the Court was called upon to decide;
- (3) That the learned Judge below erred in law or in fact or in mixed law and fact in declining to adjourn the proceedings to hear further evidence with respect

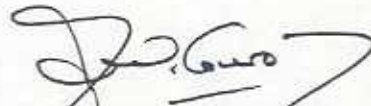
to the medical marihuana issue, particularly the medical condition of the defendants in the United States of America, and in ruling that such evidence would be irrelevant or inadmissible;

- (4) That the learned Judge below erred in law or in fact or in mixed law and fact in deciding that it was not necessary or appropriate to adjourn the proceedings to enable the appellant to adduce evidence with respect to the nature of the offence being political or it being an offence of a political character;
- (5) Such further and other grounds as Counsel may advise upon having an opportunity to read the Reasons for Judgement or Decision in writing of the Court below;
- (6) Such further in other grounds as Counsel may advise and this Honourable Court permits.

The relief sought is that the appeal be allowed, the order of committal be set aside and the appellant be discharged or, in the alternative, that a new extradition hearing be ordered.

The appellant's address for service is c/o Conroy and Company, Barristers and Solicitors, 2459 Pauline Street, Abbotsford, B.C. V2S 3S1.

DATED this 9th day of February, 2000.


JOHN W. CONROY, Q.C.
Solicitor for the Appellant