



December 22, 2020

Office of the Registrar
Supreme Court of Canada
301 Wellington Street
Ottawa, Ontario K1A 0J1

Dear Sir or Madam:

Re: Court file 39438 - ***Her Majesty the Queen v. Ocean William Storm HILBACH et al***

Please accept this letter in response to the Application for Leave to Appeal, on behalf of the Respondent Ocean William Storm Hilbach.

The Respondent is not opposed to the Application for Leave to Appeal.

The Respondent agrees with the submission on behalf of Her Majesty the Queen to the effect that this case raises an issue of national importance.

The Respondent Hilbach notes, however, that the arguments raised by the Applicant regarding the alleged failure of the learned trial judge to consider the effects of the offence on the victim and the larger community were not raised before the trial judge, nor were they raised before the Alberta Court of Appeal.

In addition, the argument raised by the Applicant to the effect that the decision sought to be appealed shows insufficient deference to the will of Parliament was not raised before either the trial judge or the Alberta Court of Appeal.

It is submitted with respect that leave should be granted to the Applicant to argue the constitutional validity of s.344(1)(a)(i) and s.344(1)(a.1) of the *Criminal Code*, but that this Honourable Court should decline to hear new arguments raised for the first time before this Court.

Yours truly

Per:
Paul L. Moreau

/cj