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R. v. Medow, 2025 ONCJ 661

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ONTARIO COURT OF JUSTICE

Citation: *R. v. Medow*, 2025 ONCJ 661
DATE: 2025 December 11
COURT FILE: Toronto #24-48103731

B E T W E E N :

HIS MAJESTY THE KING

— AND —

ALEXANDER MEDOW

2025 ONCJ 661 (CanLII)

Judgment

Before Justice Brock Jones

Heard on December 16 and 17, 2024
January 17, June 10, July 4, November 10, and December 9, 2025

Reasons for Judgment released on December 11, 2025

J. Rinaldi .....counsel for the Crown
D. Molloy .....486.3 counsel
A. Stastny……..…amicus curiae

Jones J.:

Introduction and Procedural History

[1] On January 17, 2024, PC Elliot Lee conducted a routine traffic stop at Queen Street West and York Street in Toronto. While speaking to the motorist he had pulled over, Alexander Medow approached him on foot and patted him on the back. The two men had never met before. This seemingly innocuous interaction triggered a chain of events that culminated in a violent confrontation involving Mr. Medow, PC Lee, and several other police officers. Mr. Medow was arrested and charged with various offences as a result, including obstructing PC Lee in the course of his duties (*Criminal Code* section 129(a)), impersonating a police officer (*Criminal Code* section 130(1)(b)), and assaulting a peace officer causing bodily harm (*Criminal Code* section 270.01(1)(b)).

[2] The entire interaction between PC Lee and Mr. Medow was captured on two separate video recording devices: PC Lee's body-worn camera footage ("BWC") and the in-car camera of his police squad car ("ICC"). At the start of the trial, there appeared to

be little dispute between the Crown and Mr. Medow regarding what factually occurred. The issues in the trial were to centre around Mr. Medow's intent, the reasonableness (or lack thereof) of the police officers' response to his conduct, and whether he lawfully acted in self-defence once the officers used force against him.

[3] As the trial progressed, Mr. Medow clarified that he disputed the authenticity of the video evidence presented by the Crown. He asserted that it had been digitally altered to distort what truly occurred between him and PC Lee. He also asked me to consider the possibility that this central video evidence might be a "deepfake." He believed he had been the victim of a harassment campaign by the Toronto Police Service ("TPS") for over four years. According to his narrative, they had a motive to frame him.

[4] Throughout the trial, I repeatedly heard him explain why he held these beliefs. During the first two days of the trial, he explained that he lacked the resources to properly advance his defence and felt that his previous counsel, who was appointed under a legal aid certificate, was unable to effectively represent him. That lawyer had to be removed from the record on a prior occasion by a different judge. He could not secure a new lawyer through a change of solicitor application with legal aid and was left to challenge the prosecution's case on his own, from jail, with limited resources.

[5] While Mr. Medow had Mr. Molloy's assistance as 486.3 counsel and Mr. Stastny was present as *amicus*, the Crown raised questions about the lawfulness of Mr. Molloy's appointment at the start of the trial.[1] Additionally, Mr. Medow indicated that he wanted to challenge the Crown's witnesses himself, in addition to any questioning conducted by Mr. Molloy. He held strong beliefs regarding the *Charter of Rights and Freedoms*, the proper role of the police, and the lawful exercise of state authority in a democratic society. He felt that I would not understand his perspective unless he could articulate those views personally, both through cross-examination and submissions. This included his steadfast belief that the video evidence presented by the Crown had been manipulated to misrepresent his actions on the day of the incident.

[6] I ordered that he would be permitted to ask questions of the Crown witnesses himself, in addition to any questioning done by 486.3 counsel and/or amicus. This would ensure Mr. Medow's right to defend himself as he saw fit was respected. Since all the Crown witnesses were police officers, Mr. Rinaldi did not object. An accused's right to cross-examination is a fundamental part of making a full answer and defence to the charges he is facing: see *R. v. Samaniego*, 2022 SCC 9, at para. 77.

[7] The trial did not finish on schedule, and obtaining continuation dates was challenging. On January 17, 2025, I released Mr. Medow on bail, as continuing his detention would have been unjustified in these circumstances.

[8] On June 10, 2025, Mr. Medow failed to appear in person, despite having been ordered to do so.[2] He appeared on Zoom. He claimed he was not aware of the trial's

[1] Mr. Molloy was appointed 486.3 counsel by a case management judge.

[2] The information was before a Justice of the Peace in a case management court, who set the trial continuation dates. While an agent for *amicus* appeared on that date, Mr. Medow did not. However, I was

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continuation date and was unable to attend in person, regardless, due to his personal financial situation. After a lengthy discussion with him, Mr. Stastny and Mr. Rinaldi, I granted an adjournment of the trial to July 4, 2025, and ordered Mr. Medow to appear in person, with the expectation that he would be prepared to testify in his own defence if he chose to do so. Mr. Medow again raised his concern that the Crown's video evidence had been manipulated and was a "deepfake." He asserted that he would conduct his own forensic examination of the video in support of this claim, despite having limited funds available.

[9] On July 4, 2025, Mr. Medow attended. Mr. Stastny, as *amicus,* brought a directed verdict application on Mr. Medow's behalf for three of the counts. I granted it with respect to only one, the charge of impersonating an officer. On a review of all the evidence in this case, I concluded there was no evidence that any objective observer of Mr. Medow's conduct could reasonably conclude he was genuinely attempting to impersonate a police officer.

[10] Mr. Medow indicated he wanted to testify on the remaining charges, but insisted he was entitled to an adjournment. He needed more time as he had too many other legal cases ongoing. He also spoke about physical and mental health concerns.

[11] Mr. Medow had over six months after being released from custody to prepare for the continuation of the trial, with the assistance of *amicus*. He was very knowledgeable about the court process, despite not being a lawyer. As a self-represented person, he was responsible for advancing his defence as he desired, including bringing appropriate applications. Mr. Medow cast aspersions on the integrity of the justice system on several of his court appearances and on Mr. Rinaldi as Crown counsel. He reiterated that he had been treated unfairly and that not a single lawyer who had worked on his case, either as his counsel or as an *amicus,* had truly helped him.

[12] I did not accede to the request for another adjournment. I was satisfied that he had been given more than enough opportunity to present his defence as he wished, and that he was exaggerating his health concerns. He had plenty of time to prepare and knew that July 4 was the scheduled completion date of the trial. His accusations directed at the Crown and Mr. Stastny were unfounded. An accused person is entitled to a fair trial, not a perfect one: *Samaniego,* at para. 76. While I made every reasonable effort to assist him, there is a limit to the extent to which a court can provide assistance to a self-represented accused person. A court must at all times remain neutral and can never cross the line into becoming counsel for the accused: see *R. v. Breton*, 2018 ONCA 753, at paras. 13-14.

[13] On July 4, 2025, Mr. Medow testified and provided his version of events. Submissions were adjourned to November 10, 2025. On that date, the Crown sought an adjournment. Mr. Rinaldi was in the midst of a murder trial at the Superior Court of Justice that had gone past its anticipated completion date. Mr. Stastny sent an agent who requested that he be removed as *amicus.* He could no longer continue in that role. I granted his request and ordered that the trial proceed to final arguments on December 9.

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informed by Mr. Stastny that Mr. Medow was subsequently told about the June 10th trial date and that he was to appear in person.

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Mr. Medow appeared on Zoom and was loud, disrespectful, and could not be reasoned with. I informed him to be prepared for the next court date. He did not require further assistance from an *amicus* to complete the trial.

[14] Finally, on December 9, the parties appeared before me. I attempted to provide Mr. Medow with a typed memorandum on the applicable law in this case approximately two weeks prior to this date. My intention was to assist him with making final submissions. I sent a copy to his surety, who informed my office he would send it to Mr. Medow. Unfortunately, Mr. Medow found himself back in custody on new charges on a date in November. On December 9, we reviewed the legal principles applicable to this case together in open court and he was able to review a copy of the memorandum.

[15] Mr. Medow requested yet another adjournment. He argued that he was being denied the opportunity to present evidence showing that the videos the Crown relies on were deepfakes, medical evidence that could potentially cast doubt on some of the other charges, and written materials that would help him make informed submissions about his case. I denied the request for a further adjournment. Over the past year, Mr. Medow claimed he would call witnesses regarding the authenticity of the video. However, he never provided anything to the court to support his claim, and each time I inquired about this proposed evidence, he was unable to supply any details. The other types of evidence Mr. Medow mentioned were of questionable relevance, even on his theory of the case, and he never demonstrated that he took any reasonable steps to obtain that evidence for trial. Specifically, Mr. Medow never served a subpoena on any of the alleged witnesses he asserted would assist him.

[16] Court resources are not unlimited, and Mr. Medow was not entitled to unlimited process: see *R. v. Reyes*, 2025 ONCA 840, at para. 9. At a certain point, a trial must end. This case is not unusually complex, either on its facts or on the applicable law. After a year of trial proceedings, I ruled that Mr Rinaldi would make submissions and that Mr Medow would be given an opportunity to respond with his own submissions. However, there would not be any further adjournments. Mr. Medow was quite adept at claiming procedural unfairness and demanding more and more time to make a full answer and defence. I concluded that nothing would ever end these requests. There is a requirement of some degree of due diligence, even from a self-represented person. Mr. Medow's claims that other forms of evidence existed that would bolster his defence were unfounded. He simply wanted to delay the conclusion of the trial as long as possible.

[17] After hearing from the parties, and after nearly a year of litigation, I ruled that the matter would be set for a judgment on December 11, 2025.

Overview of the Crown's Case

(i) PC Lee

[18] PC Lee had 15 years' experience with the TPS. On January 17, 2024, he was working in full uniform with a marked police car near Queen St. West and York St.

[19] At 12:56 p.m., he stopped a driver who was using his cellphone while operating his motor vehicle. He was speaking to the driver when, at 1:02 p.m., a man approached

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and tapped him on the back to get his attention. He did not recognize this man and told him he was busy, and asked him to wait on the sidewalk. The man referred to him as “Bruce Lee”, a well-known martial artist and actor.

[20] The man, later identified as Mr. Medow, then asked PC Lee, “Are you helping people or are you fucking people?” He raised his voice significantly and yelled this exact phrase again. Next, he placed his hand on PC Lee’s police radio, which was attached to his vest. This was unusual and concerned PC Lee, as it indicated that the man might be unstable and could escalate his behaviour.

[21] PC Lee pushed Mr. Medow’s hand away and activated the emergency button on his radio. This would notify other officers in the area that he needed assistance. Mr. Medow advanced toward him and shouted, displaying what appeared to be a badge under his jacket. As PC Lee stepped back, the man careened over to Queen Street and slammed his hand down on the hood of PC Lee’s squad car.

[22] Mr. Medow refused to follow PC Lee’s commands to stop. PC Lee believed he needed to restrain Mr. Medow and that he had reasonable and probable grounds to arrest him for assaulting a peace officer. He deployed his taser, causing Mr. Medow to fall to the ground. Another officer, PC Scheffer, assisted in placing handcuffs on Mr. Medow to gain control over him. However, the taser malfunctioned, and Mr. Medow resisted. Mr. Medow formed closed fists and struck PC Lee on the nose.

[23] By this time, many officers had arrived on the scene and assisted in arresting Mr. Medow. PC Lee was taken to a local hospital for treatment of his injuries.

[24] PC Lee identified his BWC video and his car’s ICC video as accurately depicting the events that occurred between him and Mr. Medow. Everything unfolded very quickly. Between the time Mr. Medow first approached him and when he decided to deploy his taser, less than two minutes elapsed.

(ii) PC Sheffer

[25] PC Scheffer was working at Osgoode Hall when he became aware that PC Lee required assistance after the emergency alarm was activated. He promptly went to help.

[26] He heard a police taser being deployed and saw PC Lee bleeding from his face. He placed a handcuff on Mr. Medow’s left hand. Mr. Medow tried to stand up, and PC Scheffer struggled to get his other hand behind his back as he was resisting. Mr. Medow was yelling.

[27] PC Lee told Mr. Medow to “stop resisting.” Mr. Medow attempted to grab PC Scheffer’s face but never made contact. Eventually, he and the other officers managed to place handcuffs on Mr. Medow and gain control of him. He reviewed the video of his involvement with Mr. Medow and did not raise any concerns about its accuracy.

(iii) PC Kell

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[28] PC Kell was working at 52 Division when he received a radio call to assist another officer. Upon arriving on Queen St., he found PCs Lee and Scheffer struggling with Mr. Medow.

[29] After Mr. Medow was handcuffed, he was placed in the back of PC Kell's squad car. Once seated, he told PC Kell, "If you see me walking down the street, you better turn around and find God."[3] PC Kell asked Mr. Medow, "Are you threatening to kill me?" Mr. Medow denied that he meant the words as a threat. Nevertheless, PC Kell arrested him for uttering a threat.

[30] PC Kell identified audio-video footage from another officer's BWC as an accurate recording of what Mr. Medow said to him. He also identified ICC footage that provided another audio recording of what was said by Mr. Medow.

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Testimony of Mr. Medow

[31] Mr. Medow described a series of tragic events that occurred in his life beginning in 2019. I will not repeat them in this written judgment. In summary, he testified that he had been mistreated by the police on several occasions and believed he was being unfairly targeted now due to his ongoing efforts to hold the authorities accountable for their past behaviour.

[32] Some of his prior legal disputes involved the manipulation of audio-visual recordings. For example, following several freedom of information requests, he has been provided with footage from a government body that had certain portions of the audio redacted. He believed this was done to cover up the actions of the police and to help them avoid embarrassment. He was adamant he had been falsely charged more than once. These events were presented to provide context for why he believed he was unlawfully arrested and charged for the current charges.

[33] On January 17, 2024, Mr. Medow understood he was subject to a release order with terms that restricted his liberty. He was permitted to attend court. He testified that he was on Queen Street because he was attending court to seek a bail variation. On the way, he encountered PC Lee.

[34] When Mr. Medow located PC Lee, he was standing facing the sky. He did not appear to be engaged in a traffic stop. He felt that he could forgive the police for what they had done to him in the past, and had a pleasant conversation with the officer at first. The video evidence introduced by the Crown was evidently manipulated, as it did not align with his memory of what occurred.

[35] He denied touching the officer's radio. He pushed the officer's hand away to protect himself. He felt he had a right to defend himself as PC Lee was being aggressive. Following a brief confrontation, he walked away, trying to disengage from the situation. Afterwards, PC Lee assaulted him from behind, and any actions he took thereafter were

[3] PC Kell initially testified to a different version of the alleged threat. However, after reviewing the BWC footage, he agreed these were the words Mr. Medow spoke.

to defend himself. PC Lee did not tell him he was under arrest, and therefore, the officer had no right to use force against him. As he put it, a police officer is not "above the law."

[36] Regarding what he told PC Kell, it was not a threat. He was attempting to inform the officer that he would have to seek redemption for his role in what had just transpired (that being his unlawful arrest and confinement), and that God was watching him, too.

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Positions of the Parties

[37] Mr. Rinaldi argues that Mr. Medow was bound by a release order with a "house arrest" term. While going to a courthouse might provide a hypothetical reasonable excuse for the charge of failing to comply with the terms of the release order, I should reject Mr. Medow's testimony in this regard. At a minimum, Mr. Medow intentionally interfered with an officer's duties, which would place his conduct outside the parameters of any possible defence. He did not travel directly to a courthouse, on his own version of events.

[38] Mr. Medow's conduct also establishes the offence of obstructing an officer. Mr. Rinaldi argues that I should accept the police video evidence and PC Lee's testimony. From that evidence, it is clear that Mr. Medow launched a "verbal and physical onslaught" against PC Lee, which was done intentionally to interfere with his duties. His conduct was so frightening that it amounted to an assault, even if the physical contact was very minor. PC Lee reasonably feared for his safety. This constituted the first charge of assaulting an officer.

[39] PC Lee was therefore lawfully entitled to arrest Mr. Medow and deploy his taser. PC Lee was reasonably concerned that Mr. Medow was acting erratically, violently and dangerously, and he could not just let him wander off into a highly populated area. Mr. Medow, by contrast, was not permitted to use force legally to resist the arrest. He struck PC Lee and caused bodily harm to him, without justification. Mr. Rinaldi thus submits that I should find Mr. Medow guilty of the second charge of assaulting PC Lee and causing bodily harm to him.

[40] Finally, Mr. Rinaldi argues that Mr. Medow's behaviour during the arrest was enough to show he was actively resisting the officers assisting PC Lee. He is therefore also guilty of resisting those officers' lawful demands.

[41] The threats made to PC Kell should be viewed as what they are – clear threats to PC Kell's safety at least. Telling the officer that he would "see you in Hell" and he would "find God" was meant to intimidate him. Mr. Rinaldi submits that proves the final count of threatening on the information.

[42] Regarding the defence evidence, Mr. Rinadli asked me to reject Mr. Medow's testimony. It was illogical, filled with inconsistencies and implausible elements, and generally entirely at odds with the reliable video evidence. It should not raise any reasonable doubt in my mind.

[43] Mr. Medow argued that he was the victim of a malicious prosecution and was entirely innocent. The trial process was unfair. He could access evidence that would prove

his innocence, because I had denied him that right. Mr. Stastny, as *amicus,* also failed him. He was a victim of abuse from everyone who had a role to play in the court process.

[44] When asked to make submissions on the offences, Mr. Medow instead chose to tell me new things about the case, as if he were testifying again. He went on irrelevant tangents that had nothing to do with what I needed to decide, despite clear legal instructions to assist him, and the opportunity to consider Mr. Rinaldi's comprehensive submissions. He did not make many coherent submissions based on the applicable law and the evidence that was presented in the case. He repeated multiple times that God favoured him, that he understood the world in a way that I did not, and that Mr. Rinaldi would face justice for what he had done in this case.

[45] However, during the trial, I was able to understand, with the assistance of an *amicus,* what Mr. Medow's perspective was on the Crown's allegations, and how his testimony, if accepted, would exonerate him.[4] As well, Mr. Medow did make some relevant submissions during the opportunity I provided him to address the court on December 9, 2025. I have also considered what he told me as well, when he was able to focus, however briefly, on the requirements of the specific charges before the court.

The Authenticity of the Crown's Video Evidence

[46] The party seeking to introduce digital evidence bears the burden of persuading the trial court through some evidence that the "electronic document is that which it is purported to be": *Canada Evidence Act* ("CEA") section 31.1; *R. v. C.B*., 2019 ONCA 380, at para. 66; *Richardson v. R*., 2020 NBCA 35, at para. 27. The standard is not onerous: see *R. v. Martin,* 2021 NLCA 1, at para. 49. Once admitted, the trier of fact must assess the evidence's ultimate reliability at the conclusion of the trial and determine what weight it should be afforded.

[47] The finding of a trial court that digital evidence has been "authenticated" and is therefore admissible does not prevent an accused person from disputing the evidence's trustworthiness and questioning whether it is sufficient to prove the case against him. As explained by the Newfoundland Court of Appeal in *Martin*,

> [49]…authentication does not mean the document is genuine. If the "evidence capable of supporting" a finding had to actually determine that the electronic document is in fact what it purports to be, a court would always be required to subject individual pieces of electronic evidence to the standard of beyond a reasonable doubt or the balance of probabilities at the admissibility stage. Such a requirement conflicts with general evidentiary principles respecting the admissibility of evidence.
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> …
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> [51] …authentication of electronic evidence does not prove that the electronic evidence is what it appears to be. Electronic evidence, once admitted, is simply evidence, no more no less. It is able to be used in the same way any other piece

[4] Mr. Rinaldi did not dispute that if I accepted Mr. Medow's testimony, it would entitle him to an acquittal.

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> of admissible evidence can be used. The weight given to it is a matter for a trial court to determine in its consideration of the totality of the evidence when coming to a final conclusion on a case.

[48] Thus, if the proposed digital evidence meets the requirements for admissibility under the *CEA*, the trier of fact must still determine its ultimate reliability. In a case like this one, that will depend, in part, on my assessment of the credibility and reliability of the witness(es) who authenticated it, as well as any who challenge its accuracy: *R. v. Ball*, 2019 BCCA 32, at para. 70; *R. v. Hirsch*, 2017 SKCA 14, at para. 18.

[49] Before the proliferation of deepfakes, in *R. v. Aslami,* 2021 ONCA 249, the Ontario Court of Appeal cautioned against trial courts placing blind faith in digital evidence that had seemingly been "authenticated" by a witness. In *Aslami,* the appellant was convicted of multiple charges related to the firebombing of a home in Ottawa. He had recently separated from his wife, who had sent him photographs of herself and another man, S.F., in bed together. Shortly thereafter, the home of S.F.'s wife was firebombed.

[50] The case against Mr. Aslami was largely circumstantial. The Crown introduced electronic messages sent to the appellant's ex-wife and S.F. that suggested the sender's involvement in the incident. The Crown alleged that Mr. Aslami was the author. The defence theorized that someone else, such as his ex-wife or S.F., had fabricated the messages to implicate him.

[51] The Court allowed the appeal. The trial judge had not conducted a proper *voir dire* on the authenticity of the messages. Justice Nordheimer noted the ease with which digital evidence can be manipulated and suggested that expert evidence might be necessary to meet the authentication standard in certain circumstances:

> [11] This case demonstrates the risks associated with not paying adequate heed to the dangers that are associated with relying on text and other messages, absent expert evidence explaining how various pieces of software, or "apps", can be used to generate these messages, and how reliable the resulting messages are in different respects. Put simply, it is too easy to use various pieces of software to create, or manipulate, messages such that they can appear to be from someone when, in fact, they emanate from an entirely different person. Similarly, the timing of the messages can be altered to suit a particular purpose.
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> […]
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> [30] As I said at the outset, trial judges need to be rigorous in their evaluation of such evidence, when it is presented, both in terms of its reliability and its probative value. The trial judge did not engage in that rigorous analysis in this case. In fairness, the trial judge was not assisted by the prosecution in this task. The prosecution ought to have called expert evidence to address the issues that the evidence posed, but they did not.

[52] Just as it is easy to manipulate electronic messages, Mr. Medow asks me to take judicial notice that it has become all too easy to create or manipulate video evidence through generative artificial intelligence ("AI") technology. He referenced a documentary

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he watched about Elon Musk, deepfakes and AI software. He submits that these programs or apps are readily available online. A cursory Google search for information about deepfakes lends support to his argument, and I note that Canada is hardly immune from what has become a global concern.[5]

[53] Justice Rowe explained the concept of taking judicial notice in his reasons in *R. v. Kruk,* 2024 SCC 7, at para. 144:

> Judicial notice" is the acceptance by a court of the truth of a particular fact without "proof" (Lederman, Fuerst and Stewart, at ¶19.25). The threshold for taking judicial notice of fact is strict — "a court may properly take judicial notice of facts that are either: (1) so notorious or generally accepted as not to be the subject of debate among reasonable persons; or (2) capable of immediate and accurate demonstration by resort to readily accessible sources of indisputable accuracy" (R. v. Find, 2001 SCC 32, [2001] 1 S.C.R. 863, at para. 48).

[54] I agree with Mr. Medow that the existence and widespread proliferation of AI technology capable of producing realistic deepfake videos are matters properly subject to judicial notice: see *R. v. Cheng,* 2025 ONCJ 252*,* at para. 7. Anyone who spends time online has likely encountered well-known deepfake videos, particularly those featuring celebrities or politicians. These can be highly deceptive, making it challenging to discern what is authentic and what is fiction. Applications that help users create these videos are heavily marketed and promoted on various social media platforms, including Twitter/X and TikTok. Many more can be purchased and downloaded from various websites. Recently, the Supreme Court of Canada noted that the production of deepfakes through artificial intelligence for criminal purposes, such as the creation of child sexual abuse and exploitation material, is a "present and growing danger": see *Quebec (Attorney General) v. Senneville*, 2025 SCC 33, at para. 32.

[55] I also agree that even if a court diligently evaluates digital evidence, a deepfake video could be "authenticated" by a witness who might honestly but mistakenly believe it to be an accurate depiction of the events it purports to represent. Alternatively, a witness could intentionally deceive a court by claiming a video was authentic when, in fact, they knew it was not. I agree that the existence of deepfakes presents a potentially serious concern to the integrity of our justice system. However, the *admission* of digital evidence does not mean that its ultimate reliability should be presumed. By contrast, a rigorous analysis of the ultimate reliability of any type of digital evidence is always required. The admissibility standard associated with the authentication of digital evidence must never be confused with the Crown's heavy burden to prove its case against an accused person beyond a reasonable doubt. Furthermore, a trial court must consider not only any disputed digital evidence when determining if the Crown has met its burden, but the

[5] For example: "Can you spot the deepfake?", from CBC news online, January 17, 2024: https://www.cbc.ca/player/play/video/1.7087086; "This Article Is Real – But Deepfakes Look Damn Close", CBC News, February 4, 2024: https://www.cbc.ca/news/canada/deepfake-ai-scam-ads-1.7104225; Videos from Google's new AI video generator stir awe and alarm, CTV News, May 22, 2025: https://www.ctvnews.ca/sci-tech/article/videos-from-googles-new-ai-video-generator-stir-awe-and-alarm/

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totality of the evidence presented at the conclusion of the trial: see *S.J. v. R*., 2024 QCCA 253, at paras. 91-93; *C.B.* at para. 61.

[56] PC Lee testified that the video evidence from his BWC and the ICC video accurately depicted his interactions with Mr. Medow. PC Scheffer and PC Kell verified the segments of these videos in which they appeared but were unable to confirm the authenticity of the remaining footage. Each officer testified that they did not alter the video evidence. PC Lee explained that after he uploaded his BWC footage through a TPS docking station, he lost control over it. The Crown did not call any witnesses to clarify what occurs with BWC footage after it is uploaded in this manner, who has access to it, and how it is ultimately provided to the accused in disclosure or to the court at trial. Additionally, no evidence was presented regarding the process by which the ICC video was retrieved, prepared, and supplied to Mr. Medow.

[57] Notably, the Crown did not dispute that a portion of the video had been intentionally manipulated. In the BWC footage, the face of the motorist detained by PC Lee was blurred out. I heard no evidence regarding how this was done or who was responsible, although Mr. Rinaldi explained that it was likely done by the police service to protect that person's privacy interests.[6] Mr. Medow's argument that it is not only possible to manipulate the police video evidence but also that some degree of manipulation actually occurred in this case is, therefore, not entirely without merit.

[58] Additionally, Mr. Medow asked PC Lee during cross-examination if it was possible that the video footage did not accurately represent how their confrontation began and suggested an alternative version of events. PC Lee could only say he "did not remember" matters occurring in the alternative manner suggested by Mr. Medow, but he did not emphatically rule them out. He was uncertain.

[59] However, while the onus lies with the Crown to authenticate the video evidence it presented, the collective testimony of the officers is sufficient to meet that requirement in this case. Mr. Medow did not present or point to any evidence suggesting that the videos had been manipulated, aside from the blurring of the motorist's face. This was a benign change to the video that did not impact Mr. Medow's right to a fair trial. I acknowledge that Mr. Medow does not face any burden in this trial, and it was the Crown that tendered the video evidence. Nevertheless, mere speculation by an accused person that digital evidence has been falsified to deceive the viewer is insufficient to preclude its admissibility or to diminish its weight. For example, in *C.B*., the Ontario Court of Appeal held that "rank speculation" that text messages were not authored by the accused, in the face of circumstantial evidence suggesting he was the author, was an insufficient basis upon which the trial judge could assign them no weight: see para. 72.

[6] While I have no doubt Mr. Rinaldi was acting as an officer of the court when he made these representations, they did not constitute evidence. I was informed that the identity of the driver was provided in the disclosure materials and neither side sought to call him as a witness. Nevertheless, I am prepared to accept, based on my judicial experience, that it is common for the TPS to blur third-party faces in videos of this nature for privacy reasons.

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[60] An interesting, reported case that addressed an argument similar to Mr. Medow's is *R. v. MD*, 2024 ABKB 104. In *MD,* the accused was the complainant's uncle. He was charged with historical sexual interference charges. 17 years after the events allegedly occurred, the complainant surreptitiously recorded a conversation she had with him. In this conversation, he made inculpatory statements. While the accused admitted at trial that the conversation occurred, he denied making the inculpatory statements contained within it. He took the position that the complainant had somehow cloned his voice and the recording had been tampered with. The trial judge rejected this argument as speculative and found that there was no evidence to suggest the complainant had any familiarity with AI technology. Furthermore, there were no obvious signs of tampering, and no forensic evidence was presented to suggest that the recording was not authentic: see paras. 16 and 46-53.

[61] With respect to the BWC footage at the centre of this case, I cannot infer that the video was intentionally altered to falsely incriminate Mr. Medow, simply given the measures taken to protect the unknown motorist's identity.[7] Nor does Mr. Medow's firmly held belief that the police in general have a motive to frame him provide the court a reason to disregard the content of the videos. The specific officers who testified provided credible and reliable testimony, demonstrating a strong, independent recollection of the offences they witnessed and confirming each other's accounts regarding Mr. Medow's acts of violence. PC Lee's uncertainty about how Mr. Medow first approached him holds little significance in this case. None of the officers' testimony was undermined by impeachment on prior inconsistent statements, and their notes did not contain significant inaccuracies. Furthermore, PC Lee's testimony was substantiated by the photographs taken of his injuries as well.

[62] Mr. Medow asked me to consider the existence of a larger police conspiracy, but there was no evidence that PCs Scheffer and Kell had met each other or PC Lee before January 17, 2024. Nor was there evidence that they were somehow connected to the other officers Mr. Medow had negative experiences with in the past. Although Mr. Medow's testimony that the events in the video are inaccurate does provide a basis for rejecting the ultimate reliability of the video evidence, as I will explain, I do not accept his testimony, and it does not raise any reasonable doubt in my mind. The officers testified that they had no prior history with Mr. Medow, and I accept that they had no *animus* towards him. The video evidence was not novel but was relatively standard Toronto Police Service BWC and ICC footage. Furthermore, it was not suggested that the officers could have personally affected the video evidence after it was uploaded or that they possessed the technical knowledge to do so. I accept their testimony on each of these points.

[63] Mr. Medow's testimony was riddled with inconsistencies and evolved in unpredictable ways. He often lost focus and gave speeches about entirely peripheral matters. He often did not answer Mr. Rinaldi's questions directly in cross-examination and was openly hostile to him. He resorted to insulting and demeaning language that was completely unwarranted when confronted with questions or suggestions he did not want to answer.

[7] To be clear, nor does Mr. Medow's suggestion, unsupported by any other source of evidence, raise a reasonable doubt in my mind regarding the video's authenticity.

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[64] A few examples are enough to explain why his testimony was incredible and completely unreliable. He could not plausibly explain why he deliberately approached PC Lee, since his bail conditions required him to go straight to court if he was outside his residence. He had no reason to speak to the officer and could not give a satisfactory explanation for his actions, despite Mr. Rinaldi asking him multiple times. He also did not convincingly explain why he called the officer "Bruce Lee." He admitted that he did not know the officer before seeing him on Queen Street.

[65] When he finally explained that he was working to reform police actions, which apparently explained why he needed to approach PC Lee, he was asked why he had used profanity when he first spoke to the officer. He did not answer this question convincingly and tried to deflect when pressed by Mr. Rinaldi. He went on a tangent about recording a music album and a campaign to expose corruption. He also seemed to agree that this part of the video was an accurate recording, despite having previously claimed that his initial interactions with PC Lee were misrepresented in the video. He was inconsistent.

[66] When asked why he had a fake badge that he showed to PC Lee, he initially responded that Mr. Rinaldi should not assume it was a fake. He later changed his testimony, saying it was a fake badge. Once again, this was internally inconsistent.

[67] Mr. Rinaldi asked Mr. Medow if the footage on the ICC video was authentic, even though Mr. Medow believed the BWC footage of PC Lee was a deepfake. He initially refused to answer, asserting that he did not have to submit to questioning. Mr. Rinaldi persistently questioned him, and he fluctuated between stating that if one video was manipulated, then none could be trusted, and selectively relying on parts of the videos to support his testimony when he believed those parts favoured him.

[68] Phrased differently, during his testimony, he seemed to choose on a whim which parts of the video he wanted to claim were real, while also simultaneously claiming that entire portions of the video could not be trusted. At times, he referred to the video evidence as entirely untrustworthy deepfakes; other times, as “the evidence” that confirmed his version of events. There was little to no logical consistency.

[69] Of course, I understand that a video might be manipulated in some parts while the rest remains authentic. However, Mr. Medow’s testimony was meandering. There was no clear dividing line in his account between what he claimed was a falsified video and what he acknowledged as genuine. His stance on the accuracy of different forms of video evidence kept changing.

[70] Having accepted the officers' testimony that the videos are authentic, I therefore find that the digital evidence satisfies the test for admissibility required by section 31.1 of the *CEA.* Although the Crown did not provide evidence regarding the continuity of the police videos following Mr. Medow's arrest, I do not believe that the weight to be given to the videos is affected by the absence of that evidence in this case.

[71] Before concluding on this matter, I wish to make a few additional observations. Mr. Medow fairly voiced concerns about having limited resources, which affected his ability to effectively challenge the admissibility of the digital evidence. He suggested that the

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videos' metadata might indicate manipulation and that an expert examination was necessary before I should trust them. Although I have ruled that the officers' testimony sufficiently authenticated the videos in this case, Justice Nordheimer's warning in *Aslmani* that some forms of digital evidence may require the Crown to present expert evidence for authentication should be taken very seriously. In that case, the Crown witnesses had a motive to falsely implicate the appellant. They could have altered the incriminating text messages, as they were familiar with the TextNow app from which those messages were sent and received. This is different from the current case, which involves impartial police witnesses who had no control over the video evidence after the events in question.

[72] Courts must seriously consider how to assist an economically disadvantaged self-represented accused person who disputes the authenticity of digital evidence to ensure a fair trial, without compromising their independence. While there are ongoing efforts in the scientific community to develop tools for courts to identify deepfakes, they have not yet come to fruition, to the best of my knowledge.[8] In this case, Mr. Medow challenged the Crown witnesses through questioning that I assisted with, and he had the benefit of Mr. Molloy's role as 486.3 counsel, and Mr. Stastny's role as *amicus*. I am satisfied his position was adequately addressed and fairly presented. However, there is no doubt that when he was detained for the first part of the trial, he was significantly disadvantaged in conducting his defence. While he was out of custody for the latter half of the trial, until his recent arrest, he maintained that he still lacked the resources to meaningfully challenge the video evidence as he desired.

[73] As generative AI technology continues to advance and the ease with which viewers can be deceived by falsified digital evidence increases, courts must ensure that the authentication *voir dire* required for digital evidence is not rendered meaningless. This presents a potentially serious access-to-justice issue, as the vast majority of self-represented litigants, such as Mr. Medow, will lack the means to retain an expert of their own.[9] Nothing in this ruling should be interpreted as a decision that the Crown is never required to present more comprehensive evidence than was done in this trial to ensure that its digital evidence can be safely relied upon. Each case must be assessed independently, and the law may soon need to adapt given the stark realities of these ever-changing technologies and their capacity to negatively impact on the truth-seeking function of the criminal trial process: *R. v. Tessling*, 2004 SCC 67, at para. 55; *R. v. Vermeer,* 2023 BCCA 206, at para. 8.[10]

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[8] For example, an inaugural research initiative funded through the Canadian Institute for Advanced Research's Canadian AI Safety Institute program intends "to spend the next two years creating an open-source, free and easy to use tool that courts, people navigating the justice system and others can use to help detect AI-generated content": *Real or fake? Researchers to develop tool that would help courts spot AI evidence*, Toronto Star, December 5, 2025.

[9] Whether an expert witness would be able to provide reliable testimony about the likelihood a video or image is inauthentic is the subject of much debate: see Fakhar Abbas, and Araz Taeihagh: *Unmasking deepfakes: A systematic review of deepfake detection and generation techniques using artificial intelligence*, Expert Systems with Applications, Volume 252, Part B, 2024, 124260, ISSN 0957-4174. A *voir dire* to assess each proposed expert witness's qualifications will be necessary to avoid "junk science" from infiltrating the courts.

[10] In 2025, the Ontario Civil Rules Committee's subcommittee on artificial intelligence, chaired by Ontario Court of Appeal Justice Peter Lauwers, sought feedback on four proposed changed to the Rules of Civil

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Analysis – The Offences

[74] With the video evidence presented by the Crown determined to be reliable, very little is factually unclear about what transpired between Mr. Medow and PC Lee. Whether or not the offences have been established, however, raises questions of mixed fact and law, and there were conflicting views of how I should interpret the video recordings. Where necessary, I will comment on the testimony of the officers and Mr. Medow.

[75] Mr. Medow is presumed innocent. The Crown must prove the essential elements of each offence beyond a reasonable doubt. If I accept Mr. Medow's testimony, he must be acquitted. Even if I do not fully accept it, if it leaves a reasonable doubt in my mind, I must also enter an acquittal. Finally, even if I fully reject his testimony, I must consider all of the evidence I do accept to determine whether the Crown has proven its case against him beyond a reasonable doubt. Every charge must be examined carefully, taking into account the applicable evidence regarding the essential elements of the offence's *actus reus* and *mens rea* components.

[76] Mr. Medow was charged with obstructing PC Lee contrary to section 129(a), assault peace officer and assault peace officer causing bodily harm contrary to section 270(1)(a) and section 270.01(b) of the *Criminal Code*.

[77] An essential element of the offence of assaulting an officer is that the target of the assault was a peace officer engaged in the execution of his duty at the time the assault occurred: see *R. v. Beseiso*, 2018 ONSC 5042, at para. 39. The accused must also have known that the person assaulted was a police officer*: see R. v. Hashi,* 2021 ONSC 5617, at para. 69. PC Lee was in full uniform and easily identified himself as a police officer while lawfully investigating a motorist for a driving offence.

[78] Regarding the charge of obstructing PC Lee in the course of his duties, in *R. v. Blackman*, 2024 ONSC 3595, Justice Phillips summarized the essential elements of the offence at para. 8:

- First, there must be a peace officer who is engaged in the execution of a lawful duty.
- Second, the accused person must know or be wilfully blind to the fact that this person is a police officer and must know or be wilfully blind to the act that the officer is executing.
- Third, the alleged obstructive conduct must be an intentional act by the accused person.

Procedure around AI-generated evidence. One of the proposed rules would give parties the power to challenge the authenticity of AI-generated or modified evidence: see https://www.lawtimesnews.com/news/general/toronto-lawyers-org-questions-need-for-proposed-ontario-civil-rules-changes-on-ai-evidence/392994. In the United States, on May 2, 2025, the U.S. Judicial Conference's Advisory Committee on Evidence Rules considered proposals to amend the Federal Rules of Evidence to address the challenges posed by AI-generated evidence: see https://natlawreview.com/article/ai-generated-deepfakes-court-emerging-threat-evidence-authenticity.

- Fourth, that act must make it more difficult for a peace officer to carry out their duties.

- Finally, the accused person must intend to make it more difficult for the police to execute their duty.

[79] The video evidence recorded Mr. Medow approaching PC Lee while he was speaking with a detained motorist. He tapped PC Lee on the shoulder and shortly thereafter begins screaming at him aggressively, questioning whether he was acting appropriately as an officer. I accept PC Lee's testimony that Mr. Medow touched his radio, which was attached to his vest, and came extremely close to PC Lee while yelling at him. Mr. Medow made a racist remark to PC Lee, calling him "Bruce Lee."[11] He ignored PC Lee's orders to step aside. Understandably, PC Lee had to end his traffic investigation, turn his attention to Mr. Medow, and take steps to detain him for public safety reasons. Mr. Medow's conduct was volatile, intimidating, and somewhat violent.

[80] The Crown has proven all the requirements beyond a reasonable doubt. Mr. Medow's intentional conduct hindered PC Lee in performing his duties and ultimately compelled the officer to abandon his investigation under the *Highway Traffic Act* altogether. Mr. Medow's testimony about his actions was illogical and inconsistent with the video evidence. It does not raise any reasonable doubt in my mind. He is found guilty of obstructing PC Lee, count 2.

[81] When Mr. Medow first approached PC Lee, he patted him on his upper back to get his attention. PC Lee did not consider this an assault, and I will not decide the charge of assaulting an officer on that basis, as Mr. Rinaldi, honourably, did not ask me to do so.

[82] But Mr. Rinaldi did point me to another theory about how the assault happened. To reiterate some of the evidence, Mr. Medow quickly started asking PC Lee whether he was helping people or "fucking people." He raised his voice, was standing just a short distance away, and refused to stop his behaviour despite being told to stand on the sidewalk. He repeated himself and touched PC Lee's radio. Mr. Medow was taller and larger than PC Lee. He was very close to PC Lee. In an attempt to gain control, PC Lee pushed Mr. Medow away and then ordered him to stop moving. Mr. Medow slammed his hand down on the hood of PC Lee's squad car and began walking down Queen Street, which was filled with civilians. To regain control of Mr. Medow, who was highly agitated and ignoring the commands given to him, PC Lee deployed his taser, causing Mr. Medow to fall to the curb.

[83] I accept PC Lee's testimony that this happened as he described, even if it is not entirely clear in the videos, as some of what occurred was outside his BWC's scope of vision. Nevertheless, the video confirms his testimony to a significant degree. For example, at 6:52, the viewer can see PC Lee move Mr. Medow's hand away from his torso, confirming PC Lee's testimony that Mr. Medow placed his hand upon his radio.

[11] Indeed, during cross-examination, he referred to the officer as Bruce Lee again when responding to one of Mr. Rinaldi's questions: "Bruce Lee comes behind me and starts striking at me like he's some ninja..." – see the transcript from July 4, 2025, in courtroom 802, at page. 79.

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[84] I agree with Mr. Rinaldi's submission that Mr. Medow's language, tone, body language, and overall actions towards PC Lee should not be viewed in isolation. Looking at the entire video, Mr. Medow displayed very aggressive behaviour and language. He had just interfered with PC Lee's duties and appeared to be seeking a confrontation with the officer. It is unquestionably dangerous for any member of the public to approach a uniformed officer on duty, raise their voice at them, use profanity, and touch their body or equipment. This naturally raises questions in the officer's mind about the person's true intentions and what might be causing such behaviour. PC Lee was genuinely worried about his safety and the safety of others nearby.

[85] PC Lee found himself in a strange and rapidly escalating situation. He had been physically and verbally accosted by Mr. Medow, who was obviously very emotionally disturbed. *Criminal Code* section 265(1)(b) states that an assault occurs if a person attempts or threatens, by an act or gesture, to apply force to another person, and if he causes that other person to believe on reasonable grounds that he has the present ability to effect that purpose. I accept Mr. Rinaldi's submissions regarding this charge. PC Lee had reasonable grounds to believe that Mr. Medow was in the process of assaulting him. Mr. Medow knew what he was doing and that he was causing PC Lee to fear for his safety. The point of his conduct was to intimidate PC Lee. I therefore find the Crown has proven the essential elements of this offence beyond a reasonable doubt and find him guilty of count 4.

[86] Furthermore, I find that PC Lee had reasonable and probable grounds to arrest Mr. Medow based on the totality of Mr. Medow's conduct, for either obstruction or assault. He subjectively viewed Mr. Medow's actions and comments as providing a basis to make an arrest, and I find that decision to be objectively reasonable.

[87] After Mr. Medow attempted to leave the scene, he was struck with a conducted energy weapon (taser), and then lay on the ground briefly. PCs Lee and Scheffer arrived and tried to put handcuffs on him and arrest him. Mr. Medow then attempted to stand up, accused the officers of excessive force and assault, and refused to comply with their demands. The taser was no longer effective. As they struggled, Mr. Medow lashed out and intentionally struck PC Lee in the face, causing him to suffer a bloody nose and soreness.

[88] Officers are entitled to use reasonable force when effecting an arrest: *Criminal Code* section 25. I find that the officers' decisions were justified. Mr. Medow was highly agitated, had verbally and physically accosted PC Lee, and would not comply with repeated demands to stop moving. When PC Lee attempted to place a hand on Mr. Medow, it was met with physical resistance. PC Lee was unable to gain control of him and could not allow him to continue into a highly populated civilian area. He posed a danger to himself and other members of the public. His decision to deploy the taser was unfortunate, but defensible.

[89] However, PC Lee did not inform Mr. Medow that he was "under arrest" before deploying the taser. *Criminal Code* section 29(2) states that "it is the duty of everyone who arrests a person… to give notice to that person, where it is feasible to do so… (b) of the reason for the arrest." PC Lee initially disputed failing to inform Mr. Medow he was

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under arrest before using force, but upon reviewing the video footage in court, he agreed it was not until after he had him on the ground with PC Scheffer.

[90] That being said, given the rapidly escalating nature of this incident, I find it is understandable that PC Lee did not follow a flawless procedure. He had to prioritize taking control of a dangerous and unpredictable person within seconds. Human beings, including professional actors like police officers, will sometimes make errors in highly stressful situations.

[91] *Criminal Code* section 29(2) mirrors the requirements of section 10(a) of the *Charter of Rights and Freedoms,* which requires that a person be informed of the reason for their arrest or detention. In *R. v. Roberts,* 2018 ONCA 411, the Court of Appeal described what this *Charter* right protects at para. 78:

> Section 10(a) does not require that detainees be told of the technical charges they may ultimately face. A person will be properly advised of the reason for their detention if they are given information that is sufficiently clear and simple to enable them to understand the reason for their detention and the extent of their jeopardy…Put more purposively: "The issue is whether what the accused was told, viewed reasonably in all the circumstances, was sufficient to permit [her] to make a reasonable decision to decline or submit to arrest"

[92] While PC Lee did not articulate that Mr. Medow was "under arrest," he did indicate that Mr. Medow was to cease his behaviour and remain in place. He was also told to get on the ground. There could be no doubt in his mind that he was to be placed in police custody for his prior conduct towards the officer. This entire series of events happened in a very short time, lasting no more than one to two minutes. PC Lee's error was regrettable, but it does not undermine the lawfulness of the arrest. He had to take control of someone who posed a threat to public safety very quickly. I find as a fact that Mr. Medow knew the reason for his detention; he simply did not want to submit to it. And if there was any doubt in his mind, PC Lee told him he was "under arrest" as he and PC Scheffer were attempting to place handcuffs on him.

[93] Mr. Medow further argued that he was acting in self-defence and that the officers used excessive force, justifying his acts of resistance. Mr. Medow's subjective belief that the use of the taser was excessive or that the officer was acting unlawfully does not determine this issue. While an honest, mistaken belief by the accused can be a factor to consider in a claim of self-defence, the accused's conduct must still be reasonable and proportionate.

[94] The fundamental problem with Mr. Medow's position is that where an officer is acting lawfully in the course of their duties, an accused person is denied the defence of self-defence: *R. v Evanshen*, 2020 BCSC 1626; *R. v. Plummer,* 2006 CanLII 38165 (Ont. C.A.). As I have concluded that PC Lee had reasonable and probable grounds to arrest Mr. Medow for both obstruction and assault, and that his use of force was reasonable in all the circumstances, Mr. Medow could not respond to the use of police force by assaulting the officers.

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[95] Mr. Medow's actions were dangerous and violent. He lashed out at PC Lee, striking him in the face, which resulted in injury and bleeding. This constituted an intentional assault, regardless of his subjective belief about the legitimacy of his actions. The injury was more than merely transient or trifling. PC Lee required over a week to recover, both physically and emotionally. He suffered a visible injury and was bleeding. This constitutes bodily harm: see *R. v. Chahal,* 2024 ABCA 218, at paras. 32-48. The *mens rea* required for assault causing bodily harm includes both the intent for assault and an objective foresight of bodily harm. Mr. Medow was aware that his actions could likely lead to bodily harm. I find him guilty of assaulting a peace officer and causing bodily harm, count 5.

[96] Mr. Medow is charged with two counts of resisting PCs Lee and Scheffer while they were performing their duties, contrary to *Criminal Code* section 129(a). Along with what I have previously described, both officers testified that Mr. Medow resisted arrest through his physical actions and fought back against them. He refused to comply with their demands to place his hands behind his back. Even after being handcuffed and placed against a police vehicle, he jumped up and down or gyrated his body as the officers attempted to put him in the squad car.

[97] This offence requires more than being uncooperative. It requires the Crown to prove the accused engaged in active physical resistance to lawful police demands: see *R. v. Kennedy,* 2016 ONCA 879, at para. 36. I find that Mr. Medow was actively resisting the officers beyond a reasonable doubt, and did so intentionally. He is therefore guilty of counts 6 and 7.

[98] When Mr. Meadow was finally seated in the back of the squad car for transport to the division, he told another officer, PC Kell, "If you see me walking down the street, you better turn around and find God." The interaction was recorded on PC Kell's BWC. PC Kell interpreted this as a threat to his life.

[99] The Crown presented additional BWC footage showing PC Kell asking Mr. Medow whether he had just threatened him. Mr. Medow responded that he was not threatening the officer. At this point in the video, Mr. Medow appeared relatively subdued. He testified that he was not threatening the officer, but essentially, asking if he understood God would be judging him for his conduct.

[100] PC Kell's subjective assessment of these words is understandable. I am left to determine whether this was actually intended as a threat. The Crown introduced Mr. Medow's spontaneous exculpatory statement alongside the alleged threat, and I must consider this as well as Mr. Medow's testimony when determining if the Crown has met its burden: see *R. v. Bagherzadeh*, 2023 ONCA 706, at para. 29. I caution myself against double-counting these different sources of exculpatory evidence, but they must both be considered: see para. 36.

[101] I find the statement ambiguous and open to multiple interpretations. I agree with Mr. Rinaldi that immediately before the purported threat, Mr. Medow stated that the officers should "go to hell", which adds important context. But I am left with reasonable doubt regarding whether he intended to truly threaten the officer's life. An alternative interpretation of Mr. Medow's words was that he meant to convey the officer would regret

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his conduct and find redemption when he realized his error. I find him not guilty of count 8.

[102] Finally, Mr. Medow was bound by a release order on January 17, 2024. A term of that order placed him under house arrest, with limited exceptions. One of those exceptions permitted him to attend court. He was located on Queen Street West, just a short distance from each of Toronto's criminal courts. He testified that he was going to court to seek a bail variation, which would provide him with a lawful excuse under the terms of his bail.

[103] In *R. v. Zora*, 2020 SCC 14, the Supreme Court of Canada held that failure to comply with a condition of a release order is subject to the defence of "lawful excuse": see para. 37. If the evidence establishes an "air of reality" to the defence, the Crown bears the persuasive burden of disproving it beyond a reasonable doubt: see *R. v. Refaeh*, 2024 ONSC 755, at paras. 55-71. If Mr. Medow's testimony raises a reasonable doubt in my mind that he had been travelling to court, I accept that this would require an acquittal.

[104] Even if Mr. Medow was initially walking towards one of the downtown courthouses, he chose to confront PC Lee. He deliberately went out of his way to do so and could have easily avoided him on his way to court. The exception to his house arrest did not grant him the freedom to take unnecessary detours, let alone commit further criminal acts. Moreover, none of the unknown evidence that Mr. Medow claimed he could produce on December 9, 2025, if granted an adjournment, would have been relevant to this charge. His decision to interfere with PC Lee's duties as an officer was his alone, and he must bear responsibility for it. I find him guilty of count 1, violating his release order.

Final Remarks

[105] Mr. Rinaldi and Mr. Stastny deserve praise for their patience and professionalism throughout this proceeding. They ensured the case advanced as efficiently as possible and that Mr. Medow's rights were respected, regardless of Mr. Medow's personal views on the matter. In particular, Mr. Rinaldi exemplified the role of a Minister of Justice during this trial, despite being subjected to repeated and entirely unjustified attacks on his character by Mr. Medow.

[106] From this point forward, Mr. Medow is on notice that I will not tolerate any further remarks towards Mr. Rinaldi that call into question his personal integrity or that could be reasonably construed as a threat. If he engages in this conduct again, I will cite him in contempt.

Released: December 11, 2025

Signed: Justice Brock Jones

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Criminal Code Section	Charge	Verdict
145(5)	FTC Release Order	Guilty
129(a)	Obstruct Peace Officer Lee	Guilty
130(1)(b)	Impersonating Peace Officer	Dismissed – Directed Verdict
270(1)(a)	Assault Peace Officer Lee	Guilty
270.01(1)(b)	Assault Peace Officer Lee – Cause Bodily Harm	Guilty
129(a)	Wilfully Resist PC Lee	Guilty
129(a)	Wilfully Resist PC Scheffer	Guilty
264.1(1)(a)	Threatening Death – PC Kell	Not Guilty

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