

Notice of Appeal

Appeal No. 1103-0131A

Form A 110280435Q1
To be used when Appellant is not represented by Counsel - Rule 845 (1)

Her Majesty the Queen

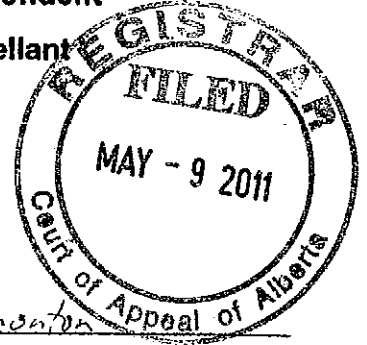
Respondent

Mark Twitchell

Appellant

To: The Registrar,
The Court of Appeal of Alberta,
The Court House,

1A Sir Winston Churchill Sq., Edmonton, Alberta



On April 12, 2011 at Law courts, Edmonton
Date

Alberta, I was convicted on charges of First degree murder

in the Provincial Court Court of Queen's Bench before Justice Terrance Clackson
Name of Judge

and was sentenced to Life in prison with parole eligibility after 25 years.

At trial I pleaded Guilty Not Guilty.

My address / or Institution is: Sask Pen. 15th St. West. SGV 5R6
P.O. Box 160, Prince Albert, SK Postal Code

I, the above appellant, hereby give notice that I desire to appeal, and if necessary for me to do so, to apply for leave to appeal against: Conviction only Sentence only or both Conviction and Sentence
for the following reasons: (Set out reasons. If this space is insufficient, put additional reasons on the reverse side of this form.)

1. The media attention surrounding my case was so extensive, so blatant and so overtly sensationalized that it is unreasonable to expect any unsequestered jury to have remained uninfluenced by it, regardless of judges instructions in the charge.
2. Sufficient evidence was presented to raise reasonable doubt on all required bases. However, the defence did not adequately and satisfactorily address key points on state-of-mind and credibility. I cite the following examples.
 - a. My advanced knowledge of computers was not illustrated by

defence counsel. I can prove through professional work history that my knowledge of computer operations is much more advanced than the average user. This undermines the implication I would use a computer to carry out a crime. It also destroys the suggestion I deleted exhibit 88 to hide or erase evidence or that I thought it to be unrecoverable.

- b. The exact dollar amount and timeline I was to be paid ^{along} in Oct-Nov 08 from my feature in development was left unaddressed. If explored, it will directly undermine the crown contention that extorting potential victims was ever a motive.
- c. Significant differences in the philosophical world view and individual search for meaning between myself and the exhibit 88 narrator were not discussed. It goes directly to state-of-mind and to proving exhibit 88's fundamentally fictional nature.
- d. Credibility issue - improper use of evidence. The crown bookended my untruthfulness to Traci Higgins with my dishonesty to police in 2008 some ten years later and tossed in the lies I told my wife to back it up. This led the jury to make an inappropriate and skewed character judgement - concluding I'm a lifetime liar. Not only did that misconception go unanswered by defence counsel, but I submit that it led to the inexorable use of the Traci Higgins evidence and Jess Twitchell evidence to pass character judgement on me when ~~the~~ that evidence was only to be used in determining the veracity of exhibit 88 as a truthful document.
3. I submit that the legal protocol established at my trial to prevent my general character from being put at issue when assessing evidence failed. I submit also that on top of other factors, keeping track of that protocol mentally, resulted in an incomplete elucidation of the full truth on my part under cross examination and that key information was missed. The crown's theory leans on too many fallacies of logic and ~~is~~ is impossible to make any sense. This must be corrected.

I wish I do not wish to be present at the hearing of the appeal. (S.688). If a new trial is ordered and I have a right to trial by judge and jury, I wish I do not wish trial by judge and jury. [S.686 (5)]

Dated on 05/02/2011

07/04/1979
Appellant's Date of Birth


(Signed) Appellant

**IF APPELLANT IS
IN CUSTODY**

3 copies of this Notice of Appeal are to be served on the Warden or designate of the Warden of the institution in which the Appellant is imprisoned within thirty (30) days of the sentence being imposed on him.

**IF APPELLANT IS
NOT IN CUSTODY**

3 copies of this Notice of Appeal are to be filed in the office of the Registrar or mailed to him by registered mail within thirty (30) days from the date of the sentence imposed on him.

NOTICES TO APPELLANT

- (1) Take notice that on an Appeal from Sentence, the Court of Appeal has the power not only to decrease sentence, but to increase it, if the court considers the sentence inadequate.
- (2) Take notice that on an appeal from conviction, Appeal Books are essential. Such books are to be ordered by the Appellant from Transcript Management Services and will be furnished at the expense of the Appellant. On the filing of this Notice of Appeal, the Registrar will advise as to the obtaining of advice as to legal aid procedures available if the appellant has not the funds to pay for the Appeal Books.
The cost of the Appeal Books may be obtained from Transcript Management Services.