

Mary Wagner came to Toronto from British Columbia in 2010 to be in solidarity with Canadian Pro-Life heroine Linda Gibbons. Linda has sacrificed 10.5 years of her life in prison since September of 1994 and Mary has given now 2.6 years of prison life since March of 2010; both for the defence of the unborn children. Linda and Mary are recipients of the 2012 Queen's Diamond Jubilee Medal, nominated by M.P. Maurice Vellacott - in paraphrase, for their faithful and undying battle for justice for pre-born children.

On Aug. 15, 2012, Mary was charged with mischief: interference with lawful enjoyment/operation of a business, and breach of a court order, as a result of her peaceful outreach to pregnant mothers who, with their children were threatened by abortion at a Toronto abortion facility.

Mary's defence will argue section 37 of the Criminal Code of Canada that states: "Every one is justified in using force to defend himself or any one under his protection from assault..." Mary's argument will contend that "any one" includes unborn children and that, by her presence and outreach, she peacefully acted in self-defence of those children.

It has been 24 years since the personhood and right to life of unborn children have been before the Supreme Court of Canada in the constitutional challenge of *Borowski v. Canada* (1989). Unborn children, who for over 44 years have not had protection in Canadian law, are once again to be the focus in a very important legal battle for their protection.

Mary, a Catholic, is mindful of Jesus' words in Mt. 25:40: "I tell you solemnly, in so far as you did this to one of the least of these brothers of mine, you did it to me." Church teachings confirm Mary's convictions. The *Catechism of the Catholic Church* (digital edition, 2011) section 2270 states: "From the first moment of his existence, a human being must be recognized as having the rights of a person – among which is the inviolable right of every innocent being to life." Section 2242 states: "The citizen is obliged in conscience not to follow the directives of civil authorities when they are contrary to the demands of the moral order, to the fundamental rights of persons or the teachings of the Gospel. Refusing obedience to civil authorities, when their demands are contrary to those of an upright conscience, finds its justification in the distinction between serving God and serving the political community" ... "We must obey God rather than men" (Acts 5:29).

Mary's defence counsel is constitutional law professor and lawyer, Dr. Charles I. Lugosi, S.J.D. of Brantford Ontario, www.lugosi-law.com. Trial dates have been set for 10 a.m. in the Ontario Court of Justice at 1000 Finch Ave. West at Dufferin Street, Toronto on Dec. 6, 11, and 12 to determine the merits and facts of the case; in 2014 on March 18, 19, 20, 26, and 27 to hear medical and scientific experts testify on the humanity of the unborn child; and on May 13-16, the trial concludes. Dates may be subject to change.

Dr. Lugosi states: "Mary is compelled by her conscience to disobey her probation order, because the law permits the self-defense of other human beings. Mary uses roses, conversation, and literature in a peaceful non-violent and respectful manner to try to stop an imminent fatal assault upon unborn human beings by placing fetuses who are about to die under her protection...Mary Wagner resists any attempt by Parliament to decide when a biological human being is not a legal human being. Science teaches us that a new human being comes into existence at the moment of conception and this new living body is in a state of constant change over time until death. Mary's goal is to persuade the trial judge that fetuses are human beings in an unborn state, and that the legal definition of human being in the Criminal code of Canada is unconstitutional."

On behalf of Mary, Dr. Lugosi applied to the superior court on April 16, 2013, for big case management and constitutional test case status. As well, an application was made to the trial judge for direct funding by the Attorney General. All were denied. Our unborn brothers and sisters need our help. The only available option, in order to pursue this very worthwhile constitutional challenge, is to directly appeal to the general public for donations to support Mary's defence, which will involve hundreds of hours of legal work and the defence could be very expensive, and may cost hundreds of thousands of dollars. It is hoped that people of all faiths, and people of good will, will support the legal battle to bring before the courts the humanity of the child in the womb. Mary's case is our case. If you are able, please support this cause according to your means. "Each and every contribution is valued, whether large or small" (Dr. Lugosi).

Imprisoned pro-lifer Mary Wagner appeals for funds to challenge status of unborn in law
by LifeSiteNews.com
Tue Oct 22, 2013 17:43 EST

TORONTO, Ontario, October 22, 2013 (LifeSiteNews.com) – Pro-life champion Mary Wagner is seeking donations to her legal fund to help her court battle to change the legal status of the unborn in Canada.

On Aug. 15, 2012, Mary was charged with mischief, interference with lawful enjoyment/operation of a business, and breach of a court order, as a result of her peaceful outreach to pregnant mothers at a Toronto abortion facility. Wagner has spent over two and a half years in jail as a result of her practice of entering abortion clinics and offering women there a rose and pro-life counselling.

Photo of Mary Wagner, from Nov. 6, 2011

Now her lawyer is preparing a defense for Mary that could have national significance for the pro-life movement and the country's unborn children. Wagner's defence counsel, Dr. Charles I. Lugosi, S.J.D. will argue that Mary's actions are legal under section 37 of the Criminal Code of Canada, which justifies actions to defend "any one" under a person's protection from assault. The argument will contend that "any one" includes unborn children.

"Mary is compelled by her conscience to disobey her probation order, because the law permits the self-defence of other human beings," said Lugosi. "Mary uses roses, conversation, and literature in a peaceful non-violent and respectful manner to try to stop an imminent fatal assault upon unborn human beings by placing fetuses who are about to die under her protection."

Dr. Lugosi applied to the superior court on April 16, 2013, for big case management and constitutional test case status. An application was also made to the trial judge for direct funding of the case by the Attorney General. All of these were denied.

In order to pursue her constitutional challenge, Wagner has decided to directly appeal to the general public for donations to support her defence, which will involve hundreds of hours of legal work and may cost hundreds of thousands of dollars.

Wagner came to Toronto from British Columbia in 2010 to be in solidarity with Canadian pro-life heroine Linda Gibbons, who has spent 10.5 years of her life in prison since September of 1994. Wagner has now spent 2.6 years in prison since March of 2010.

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"Above all, please pray for the success of this case in defence of the unborn and for the healing of suffering post-abortive mothers and all women considering abortion," said Wagner.

Donations can be made in two ways:

1. To: Mary Wagner Legal Defence Fund, Account # 0319 8991-017, in any Bank of Montreal in Canada. Please request that the deposit be a "credit memo" to help with their bookkeeping.
2. By check payable to Mary Wagner Legal Defence Fund with the bank account number (0319 8991-017) written in the memo section, and mailed to: Mary Wagner Legal Defence Fund, c/o Bank of Montreal, 295 Boler Rd., London, ON, N6K 2K1.

“Above all, please pray for the success of this case in defence of the unborn and for the healing of suffering post-abortive mothers and all women considering abortion” (Mary).

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For information about Mary Wagner, Linda Gibbons, Joe Borowski, go to www.lifesitenews.com, and other www sources through your search engine.

Most Sincerely, John S. Bulsza, Co-trustee of the Mary Wagner Legal Defence Fund

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