

CANADA / JUDGMENT

R. v. Abdalla

2025 ONCA 882

COURT

Court of Appeal for Ontario

DECIDED

17 December 2025

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R. v. Abdalla Collection Decisions of the Court of Appeal Date 2025-12-17 Neutral citation 2025 ONCA 882 Docket numbers COA-24-CR-0862 Judges Thorburn, Julie; George, Jonathon C.; Gomery, Sally A. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Abdalla, 2025 ONCA 882 [1] DATE: 20251217 DOCKET: COA-24-CR-0862 Thorburn, George and Gomery JJ.A. BETWEEN His Majesty the King Respondent and Mohamed Abdalla Appellant Hedieh M.Z. Kashani, for the appellant Jeanette Gevikoglu, for the respondent Heard and released orally: December 16, 2025 On appeal from the conviction entered by Justice Roger Chown of the Superior Court of Justice, on March 28, 2023. REASONS FOR DECISION

- [1] The appellant was detained following an armed home invasion. During a search incident to detention, the officer found 39 grams of fentanyl located in a white bag in the appellant's hoodie pocket. In the court below, the appellant argued that his rights under ss. 8, 9 and 10(b) of the Charter were violated. The trial judge disagreed, dismissed the Charter application, and found the appellant guilty of possessing fentanyl for the purpose of trafficking.
- [2] The appellant, who concedes his detention was lawful and that the search was incident to an investigative detention, appeals the Charter decisions, seeks to admit fresh evidence, and asks this court to exclude the evidence.
- [3] We are unpersuaded by the appellant's arguments. We do not agree that the scope of the search was limited to a firearm. As the trial judge found, the scope of the appellant's safety search was a reasonable and appropriate exercise of the power to search incident to detention. We see no reason to interfere with this finding.
- [4] Likewise, we do not agree that the trial judge erred in finding there was no breach of the appellant's right to counsel. The police took reasonable steps to enable the appellant to exercise his s. 10(b) right to counsel and the fresh evidence, if admitted, would have no impact on our decision to uphold the trial judge's conclusion that there was no s. 10(b) breach.
- [5] It is unnecessary, in light of these conclusions, to consider the balance of the appellant's arguments.

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- [6] The appeal is dismissed. “Thorburn J.A.” “J. George J.A.” “S. Gomery J.A.”
- [1] This appeal is subject to a publication ban pursuant to s. 110 of the Youth Criminal Justice Act, S.C. 2002, c. 1.
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