

CANADA / JUDGMENT

R. v. Anderson

2026 ONCA 292

COURT

Court of Appeal for Ontario

DECIDED

23 April 2026

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R. v. Anderson Collection Decisions of the Court of Appeal Date 2026-04-23 Neutral citation 2026 ONCA 292 Docket numbers COA-25-CR-1018 Judges Roberts, Lois B.; Miller, Bradley; Rahman, Moiz Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Anderson, 2026 ONCA 292 DATE: 20260423 DOCKET: COA-25-CR-1018 Roberts, Miller, and Rahman JJ.A. BETWEEN His Majesty the King Respondent and Leo Anderson Appellant Leo Anderson, acting in person Étienne Lacombe, for the respondent Heard: April 13, 2026 On appeal from the convictions entered by Justice Davin M.K. Garg of the Ontario Court of Justice and from the sentence imposed on July 31, 2025, with reasons reported at 2025 ONCJ 407. REASONS FOR DECISION

- [1] The appellant appeals his convictions and sentence for possession of a loaded prohibited or restricted firearm with ammunition. He was sentenced to four years, 5 months and 8 days less 2 years, 5 months and 9 days of pre-sentence credit.
- [2] The charges against the appellant arose out of an incident outside a bar in Hamilton. The appellant had been ejected from the bar because he had too much to drink. He then got into an argument with the bouncer. The argument later turned physical and a third unidentified man joined the fray. There were also other people in the general vicinity of the three men outside the bar. At some point during the altercation, a loaded handgun fell onto the sidewalk. The entire incident was captured on video. The video footage did not clearly show any one person dropping the gun.
- [3] On his conviction appeal, the appellant submits that the trial judge erred in finding that his possession of the gun was the only reasonable inference to be drawn from the evidence because “there were multiple people in the vicinity of [the gun].”
- [4] We do not accept this submission.
- [5] In his thorough reasons, the trial judge carefully explained why he was convinced, beyond a reasonable doubt, that the appellant possessed the gun in his cross-body satchel he had been wearing and that the gun fell to the ground during the altercation. The trial judge considered and rejected alternative explanations for the origins of the gun. The trial judge accepted the bouncer’s evidence that the gun did not belong to him. The trial judge also

explained why he found that neither the bouncer nor the unidentified third man's interactions with the gun were consistent with either of them having possessed it. On the other hand, the video footage depicted the appellant reaching into his satchel during the altercation shortly before the gun appeared on the ground. Moreover, when the appellant returned to the scene after the altercation desisted, the appellant tried walking back to the area where the gun was dropped and mentioned needing to get his "piece" back. The appellant has not established any basis for this court to interfere with the trial judge's conclusion.

- [6] On his sentence appeal the appellant submits that the trial judge did not give enough weight to the mitigating factors in his case and that his sentence should have been lower. As with the conviction appeal, we see no basis to interfere with the appellant's sentence. The trial judge carefully balanced the mitigating factors, including the appellant's background, harsh pre-sentence custody conditions, with the aggravating factors, including his lengthy criminal record and possession of a gun in a public place while intoxicated. The trial judge's reasons do not disclose any error in principle, nor was the sentence he imposed demonstrably unfit.
- [7] The conviction appeal is dismissed. Leave to appeal against sentence is granted but the sentence appeal is also dismissed. "L.B. Roberts J.A." "B.W. Miller J.A." "M. Rahman J.A."

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