

CANADA / JUDGMENT

R. v. Armstrong

2026 ONCA 175

COURT

Court of Appeal for Ontario

DECIDED

9 March 2026

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R. v. Armstrong Collection Decisions of the Court of Appeal Date 2026-03-09 Neutral citation 2026 ONCA 175 Docket numbers C67243 Judges Fairburn, J. Michal; Paciocco, David M.; Wilson, Darla A. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Armstrong, 2026 ONCA 175 DATE: 20260309 DOCKET: C67243 Fairburn A.C.J.O., Paciocco and Wilson J.J.A. BETWEEN His Majesty the King Respondent and Matthew Armstrong Appellant Matthew Armstrong, acting in person Chris Rudnicki, appearing as duty counsel Frank Au, for the respondent Heard and rendered orally: March 5, 2026 On appeal from the convictions entered by Justice Laurie Lacelle of the Superior Court of Justice, on January 31, 2019. REASONS FOR DECISION

- [1] The appellant appeals from his convictions for a series of robbery and related offences. This was a judge alone trial. The trial turned on the question of identity.
- [2] The appellant challenges the convictions on the basis that they constitute an unreasonable verdict. Duty counsel advances four arguments in support of these grounds of appeal. They relate to the trial judge's findings regarding various Facebook Messenger communications and evidence relating to the appearance of the robber, clothing he was wearing and his proximity to the location where the van and drugs had been left.
- [3] Despite the very capable submissions of Mr. Rudnicki appearing as duty counsel, we do not accept that this was an unreasonable verdict. It was based upon findings of fact that were open to the trial judge to make. We owe deference to those findings. Showing them appropriate deference, this was a verdict that a properly instructed jury could have reasonably arrived at.
- [4] Duty counsel also argues that when it came to the electronic messages, the trial judge was obliged to treat them as presumptively inadmissible, as they could have related to a different offence that would have constituted presumptively inadmissible bad character evidence. The trial judge is said to have failed to consider their admissibility through the lens of similar act evidence. This argument was not advanced before the trial judge. In any event, once she concluded that the messages were referable to this offence, there was no risk of propensity reasoning.

- [5] In our view, the trial judge's reasons demonstrate a legally correct, carefully considered and complete examination of the evidence in this strong circumstantial case.
- [6] The appeal is dismissed. "Fairburn A.C.J.O." "David M. Paciocco J.A." "D.A. Wilson J.A."
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