

CANADA / JUDGMENT

R. v. Bernier

2026 ONCA 122

COURT

Court of Appeal for Ontario

DECIDED

18 February 2026

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R. v. Bernier Collection Decisions of the Court of Appeal Date 2026-02-18 Neutral citation 2026 ONCA 122 Docket numbers C70665 Judges Trotter, Gary T.; Dawe, Jonathan; Wilson, Darla A. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Bernier, 2026 ONCA 122 DATE: 20260218 DOCKET: C70665 Trotter, Dawe and Wilson JJ.A. BETWEEN His Majesty the King Respondent and Christopher-Maik Bernier Appellant Christopher-Maik Bernier, acting in person Allyson Ratsoy, for the respondent Heard: January 27, 2026 On appeal from the order of Justice Anne E. London-Weinstein of the Superior Court of Justice, dated March 21, 2022, with reasons reported at 2022 ONSC 1765, dismissing an application for certiorari from the order of Regional Senior Justice W. Vincent Clifford of the Ontario Court of Justice, dated October 1, 2021. REASONS FOR DECISION

- [1] The appellant was charged with offences under the Taxation Act, 2007, S.O. 2007, c. 11, Sched. A.
- [2] In the course of those proceedings, the appellant brought a certiorari application, which was dismissed on March 21, 2022. The appellant filed a Notice of Appeal from that decision on May 25, 2022. The appeal took over three and a half years to be listed for hearing.
- [3] However, on September 28, 2022, the appellant entered pleas of guilty to the offences. He was sentenced on October 6, 2022.
- [4] The Crown takes the position that, by virtue of his guilty plea, the appellant has waived his right to challenge any interlocutory decisions and, as such, he is no longer entitled to appeal the certiorari ruling: see R. v. Faulkner, 2018 ONCA 174, 407 C.R.R. (2d) 59, at para. 98; R. v. Lopez-Restrepo, 2018 ONCA 887, 369 C.C.C. (3d) 56, at paras. 18-24.
- [5] At the hearing of the appeal, the panel was advised that the appellant has sought to set aside his convictions under the Taxation Act. An appeal from those convictions lies to the Superior Court of Justice. At the end of the hearing, we directed both parties to advise the panel of the status of the proceedings in the Superior Court of Justice. We have since been advised that the appellant filed a Notice of Appeal, signed on January 5, 2026, in the Superior Court of Justice in Ottawa. The appeal is to be spoken-to on March 6, 2026.

- [6] The appeal before this court is presently moot. Any decision we might make with respect to the certiorari decision would have no impact on the appellant's guilty pleas that resulted in his convictions and sentence. Accordingly, we dismiss the appeal without adjudicating on the merits. If the appellant is successful with his late-breaking appeal in the Superior Court of Justice, it will be open to him to bring an application to re-open this appeal.
- [7] The appeal is dismissed.
- [8] The appellant also applies for an order for a publication ban on his full name at, and following, the hearing of this appeal. He wishes to be identified only by his initials.
- [9] Applying the principles in *Sherman Estate v. Donovan*, 2021 SCC 25, [2021] 2 S.C.R. 75, the application is dismissed. The appellant has not established that court openness poses a serious risk to an important public interest. We take into account that the appellant was convicted and sentenced for provincial offences. The case proceeded in the courts below without a request by the appellant to initialize his name. We also note that the proceedings in the courts below, in which the appellant's full name is referenced, are already in the public domain. The certiorari judgment that the appellant seeks to appeal and other rulings related to this case are available online, without initialization.
- [10] The application is dismissed. "Gary Trotter J.A." "J. Dawe J.A." "D.A. Wilson J.A."

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Prepared on 25 October 2026 · Esheria