

CANADA / JUDGMENT

R. v. Bleck

2025 ONCA 826

COURT

Court of Appeal for Ontario

DECIDED

28 November 2025

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R. v. Bleck Collection Decisions of the Court of Appeal Date 2025-11-28 Neutral citation 2025 ONCA 826 Docket numbers COA-24-CR-1188, M56434 Judges Wilson, Darla A. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Bleck, 2025 ONCA 826 DATE: 20251128 DOCKET: M56434 (COA-24-CR-1188) Wilson J.A. (Motion Judge) BETWEEN His Majesty the King Responding Party and Jesse Bleck Applicant/Appellant Brian Eberdt, for the applicant Evan Akriotis, for the responding party Heard: November 17, 2025 REASONS FOR DECISION

- [1] The appellant sought release on bail pending his conviction and sentence appeal. The Crown opposed the application. I dismissed his application with reasons to follow. These are my reasons.
- [2] The appellant was convicted by a jury of failing to stop a conveyance after an accident that resulted in bodily harm. He was also convicted of operating a conveyance while prohibited from doing so. These charges stem from an accident which occurred on July 21, 2019, in which a cyclist sustained catastrophic injuries which have left him unable to speak and confined to a wheelchair. Following conviction, he was sentenced to a global term of imprisonment of 4.5 years.
- [3] The appellant must demonstrate that he has met the three elements set out in s. 679(3) of the Criminal Code on a balance of probabilities: that the appeal is not frivolous; that he will surrender into custody in accordance with the terms of the order; and that his detention is not necessary in the public interest: R. v. Oland, 2017 SCC 17, [2017] 1 S.C.R. 250, at para. 19.

Analysis

- [4] The requirement to demonstrate the appeal is not frivolous is a very low bar for an applicant to meet: Oland, at para. 20. Here, the sole issue at trial was the identity of the driver of the vehicle that struck the cyclist. Neither the appellant nor the respondent focused its submissions on this branch of the test. I accept that the appeal is not frivolous. The Crown did not argue that the second prong of the test had not been met; I accept the appellant will surrender into custody as required.

- [5] This application turns on the third element that must be met, that the appellant's detention is not necessary in the public interest. This criterion has two components: public safety, and public confidence in the administration of justice (Oland, at paras. 23-26).
- [6] Here, the appellant's conduct while being on bail is a critical consideration. He was released on bail pending trial and during that time, he was charged with and subsequently convicted of driving a motor vehicle in contravention of his release order as well as the driving prohibition pursuant to the Criminal Code since he had never been licensed to drive in Ontario.
- [7] Following his conviction, the appellant applied for bail pending appeal which was granted with conditions pursuant to the order of Dawe J.A. of August 6, 2024. The conditions of his bail mandated that he not be in the front seat of a motor vehicle or outside of his residence without his surety. Within two weeks of being granted bail, the appellant breached the bail order when he was found in the front seat of a motor vehicle. He pleaded guilty to failing to comply with his release order.
- [8] The appellant was also charged with mischief for damaging property at the jail where he was being held pending the hearing of his bail application. He pleaded guilty to mischief. On August 30, 2024, Pepall J.A. revoked the appellant's bail finding that the appellant had contravened the release order of this court.
- [9] The respondent submits that since being charged in January 2020, the appellant has been charged with failing to comply with the terms of a release order five times and has been found guilty three times.
- [10] In granting the appellant bail following his conviction, Dawe J.A. noted, "I accept that the public interest requires that Mr. Bleck be prevented from getting behind the wheel of a motor vehicle if he is released on bail, and that if this cannot be adequately assured by the terms of his release, his detention will be 'necessary in the public interest.'" In my view, given his conduct, the public interest necessitates the continued detention of the appellant.
- [11] He has failed to demonstrate that his detention is not necessary in the public interest. He was convicted of driving a motor vehicle in contravention of his bail order and of the Criminal Code, while he was on bail pending trial. As noted by Dawe J.A., the author of the pre-sentence report stated that the appellant advised that he had been caught driving without a valid license "more times than [he] can count", dating back to the age of 13. After obtaining bail pending appeal, he very quickly breached provisions of his release order, and his bail was revoked. He has demonstrated a lack of respect for orders of the court. I am of the view there is a substantial likelihood that if released he will commit another offence, that that substantial likelihood endangers the protection or safety of the public, and that his detention is therefore necessary for public safety: R. v. Stojanovski, 2020 ONCA 285, at para. 18.

[12] Public confidence in the administration of justice also requires his detention. The public confidence component balances reviewability on the one hand with enforceability on the other, using the statutory criteria as set out in s. 515(10)(c) of the Criminal Code modified for the appellate context: Oland, at para. 32. In my view, balancing the two factors through the eyes of a reasonable member of the public, enforceability outweighs reviewability. The appellant's behaviour leads me to conclude he is ungovernable. He has not proposed any significant changes to the release plan under which he breached his prior bail conditions. He was convicted of a serious crime involving the operation of a motor vehicle and has received a significant penitentiary sentence. In these circumstances, even accepting that the grounds of appeal surpass the "not frivolous" standard, the appellant's repeated pattern of breaching court orders in a manner that endangers the public tips the balance in favour of the enforceability interest.

[13] The application is dismissed. "D.A. Wilson J.A."

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